

FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 729—PEANUTS

DETERMINATION OF COUNTY NORMAL YIELD FOR 1958 CROP

Basis and purpose. The purpose of this document is to establish county normal yields for the 1958 peanut crop, which yields have been determined by State committees pursuant to and under the standards specified in § 729.821 (a) of the Allotment and Marketing Quota Regulations for Peanuts of the 1957 and Subsequent Crops (21 F. R. 9370; 22 F. R. 6987, 8475; 23 F. R. 1567, 6545, 7599). County normal yields are used in some cases under the said regulations (§ 729.821 (b), § 729.823, § 729.853) to determine the amount of penalty on peanuts marketed from a farm and as the 1958 peanut crop is now being marketed it is essential that county normal yields for the 1958 crop be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001-1011) is impractical and contrary to the public interest and the county normal yields specified below shall become effective upon filing of this document with the Director, Division of the Federal Register.

County normal yields for the 1958 peanut crop are as follows:

ALABAMA	
County	Normal yield (pounds)
Autauga	830
Baldwin	857
Barbour	861
Bibb	621
Blount	724
Bullock	698
Butler	781
Calhoun	699
Chambers	687
Cherokee	682
Chilton	652
Choctaw	609
Clarke	617
Clay	740
Cleburne	627
Coffee	1,005
Colbert	671
Conecuh	834
Coosa	628
Covington	994
Crenshaw	915
Cullman	679
Dale	974
Dallas	602
De Kalb	706
Elmore	647
Escambia	960
Etowah	687

ALABAMA—Continued

County	Normal yield (pounds)	County	Normal yield (pounds)
Fayette	655	Mobile	889
Franklin	600	Monroe	907
Geneva	1,173	Montgomery	693
Greene	499	Morgan	652
Hale	548	Perry	544
Henry	977	Pickens	538
Houston	1,086	Pike	860
Jackson	702	Randolph	654
Jefferson	655	Russell	710
Lamar	581	St. Clair	652
Lauderdale	675	Shelby	650
Lawrence	647	Sumter	495
Lee	687	Talladega	675
Limestone	602	Tallapoosa	643
Lowndes	533	Tuscaloosa	546
Macon	661	Walker	629
Madison	564	Washington	700
Marengo	510	Wilcox	600
Marion	589	Winston	655
Marshall	656		

ARIZONA

Pima	2,010	Yuma	945
Pinal	770		

ARKANSAS

Cleburne	387	Lafayette	353
Cleveland	381	Little River	332
Craighead	381	Logan	572
Crawford	515	Nevada	634
Dallas	366	Pike	381
Faulkner	427	Randolph	381
Franklin	598	St. Francis	381
Hempstead	553	Sevier	381
Hot Spring	560	Stone	348
Howard	324	White	364
Johnson	698	Yell	700

CALIFORNIA

Imperial	856	Riverside	720
Kern	859	Stanislaus	600
Madera	600	Tulare	880

FLORIDA

Alachua	946	Lake	975
Baker	777	Leon	504
Bay	873	Levy	876
Bradford	984	Madison	593
Calhoun	1,234	Marion	1,010
Columbia	784	Okaloosa	1,210
Dixie	728	Palm Beach	1,955
Escambia	618	Putnam	707
Gadsden	952	Santa Rosa	1,161
Gilchrist	775	Sumter	880
Hamilton	557	Suwannee	1,002
Hendry	1,135	Taylor	501
Hillsborough	651	Union	789
Holmes	934	Wakulla	788
Jackson	929	Walton	1,048
Jefferson	695	Washington	999
Lafayette	811		

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GEORGIA

County	Normal yield (pounds)	County	Normal yield (pounds)
Appling	941	Laurens	761
Atkinson	1,197	Lee	989
Bacon	1,263	Lowndes	816
Baker	954	McDuffie	537
Baldwin	458	Macon	721
Ben Hill	1,005	Marion	696
Berrien	1,075	Miller	1,110
Bibb	687	Mitchell	1,039
Bleckley	806	Montgomery	810
Brooks	892	Muscogee	461
Bryan	881	Newton	659
Bulloch	984	Peach	816
Burke	631	Pierce	716
Calhoun	1,039	Pulaski	820
Candler	818	Quitman	822
Chattahoochee	571	Randolph	904
Clay	991	Richmond	507
Coffee	953	Schley	848
Colquitt	1,028	Scriven	838
Columbia	486	Seminole	1,205
Cook	1,168	Stewart	793
Crawford	525	Sumter	908
Crisp	1,187	Talbot	629
Dade	565	Tattnall	1,107
Decatur	1,014	Taylor	863
Dodge	818	Telfair	965
Dooly	894	Terrell	970
Dougherty	851	Thomas	803
Early	1,032	Tift	1,113
Effingham	940	Toombs	1,019
Emanuel	997	Treutlen	546
Evans	969	Turner	1,143
Glascok	488	Twiggs	659
Grady	890	Upson	679
Hancock	315	Warren	449
Harris	503	Washington	496
Houston	771	Wayne	884
Irwin	1,202	Webster	907
Jeff Davis	1,040	Wheeler	986
Jefferson	548	Wilcox	900
Jenkins	969	Wilkinson	732
Johnson	538	Worth	1,031
Lanier	1,124		

LOUISIANA

Beauregard	655	LaSalle	567
Bienville	550	Lincoln	775
Claiborne	592	Morehouse	748
Grant	653	Union	539

MISSISSIPPI

Alcorn	366	Lincoln	458
Calhoun	314	Lowndes	330
Chickasaw	330	Montgomery	316
Copiah	458	Neshoba	330
Covington	402	Noxubee	330
George	402	Pontotoc	366
Greene	402	Smith	402
Hinds	458	Tippah	366
Holmes	316	Tishomingo	316
Jones	402	Union	316
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MISSOURI

County (pounds)	Normal yield
Dates	850
New Madrid	1,116

NEW MEXICO

Curry	1,161	Quay	879
Lea	922	Roosevelt	1,261

NORTH CAROLINA

Beaufort	1,188	Lincoln	750
Bertie	1,707	Martin	1,587
Bladen	1,141	Montgomery	639
Brunswick	960	Moore	1,359
Cabarrus	775	Nash	1,243
Camden	1,554	New Hanover	723
Catawba	812	Northampton	1,737
Chowan	1,924	Onslow	1,201
Columbus	1,290	Pamlico	994
Craven	906	Pasquotank	1,667
Cumberland	1,079	Pender	1,172
Currituck	1,378	Perquimans	1,823
Davidson	851	Pitt	1,183
Duplin	1,447	Richmond	1,122
Edgecombe	1,390	Robeson	1,308
Franklin	962	Rowan	825
Gaston	750	Rutherford	710
Gates	1,734	Sampson	1,023
Greene	1,008	Scotland	1,083
Halifax	1,402	Tyrrell	1,403
Hertford	1,896	Wake	1,777
Iredell	668	Warren	633
Johnston	1,378	Washington	1,658
Jones	1,194	Wayne	1,136
Lenoir	993	Wilson	1,036

OKLAHOMA

Atoka	686	Lincoln	674
Beckham	1,291	Logan	551
Bisbee	1,956	Love	563
Bryan	700	McClain	734
Caddo	1,405	McCurtain	754
Canadian	715	McIntosh	871
Carter	507	Marshall	696
Choctaw	682	Murray	743
Cleveland	710	Muskogee	658
Coal	648	Oklfuskee	669
Comanche	680	Oklahoma	606
Cotton	572	Okmulgee	656
Creek	670	Osage	641
Custer	1,780	Pawnee	679
Dewey	850	Payne	730
Garvin	765	Pittsburg	827
Grady	752	Pontotoc	746
Greer	956	Pottawatomie	766
Harmon	680	Pushmataha	731
Haskell	672	Seminole	757
Hughes	883	Sequoyah	683
Jackson	620	Stephens	659
Jefferson	551	Tulsa	672
Johnston	629	Wagoner	641
Latimer	528	Washita	1,650
Le Flore	661		

SOUTH CAROLINA

Aiken	513	Horry	821
Allendale	773	Kershaw	770
Bamberg	642	Lee	1,104
Barnwell	698	Lexington	586
Clarendon	919	Marion	951
Colleton	664	Marlboro	774
Darlington	756	Orangeburg	531
Dillon	1,066	Richland	500
Dorchester	631	Spartanburg	543
Florence	1,044	Sumter	1,090
Greenville	483	Williamsburg	717
Hampton	796		

TENNESSEE

Benton	903	Gibson	904
Bradley	1,072	Hamilton	941
Carroll	912	Hardeman	698
Chester	850	Hardin	650
Coffee	800	Haywood	505
Cumberland	595	Henderson	1,415
Decatur	706	Hickman	688
Dickson	607	Humphreys	651
Fayette	839	Lawrence	611

TENNESSEE—Continued

County (pounds)	Normal yield
Lewis	950
Madison	400
Meigs	171
Monroe	505
Obion	453

TEXAS

Anderson	785	Johnson	700
Atascosa	503	Jones	326
Austin	1,239	Karnes	434
Bailey	1,089	Kent	350
Bastrop	704	Kimble	484
Baylor	760	Lamar	874
Bee	268	Lampasas	512
Bexar	395	La Salle	443
Bosque	538	Lavaca	738
Bowie	940	Lee	731
Brazos	579	Leon	970
Briscoe	494	Limestone	828
Brown	442	Live Oak	374
Burleson	483	Llano	390
Burnet	684	McCulloch	426
Caldwell	804	McLennan	782
Callahan	416	McMullen	375
Camp	950	Madison	777
Cass	774	Marion	884
Cherokee	752	Mason	507
Clay	375	Medina	470
Cochran	460	Menard	408
Coke	492	Millam	750
Coleman	354	Miller	539
Collingsworth	435	Montague	503
Colorado	986	Montgomery	774
Comanche	582	Morris	814
Cooke	422	Motley	477
Coryell	651	Nacogdoches	794
Dallas	462	Palo Pinto	566
Denton	488	Panola	380
De Witt	614	Parker	541
Dimmit	748	Parmer	2,240
Duval	410	Pecos	828
Eastland	427	Polk	686
Erath	500	Rains	824
Falls	874	Red River	875
Fannin	732	Robertson	805
Fayette	602	Runnels	335
Fort Bend	984	Rusk	899
Franklin	876	San Saba	442
Freestone	820	Smith	609
Frio	838	Somervell	633
Gaines	641	Stephens	455
Garza	461	Stonewall	413
Gillespie	372	Tarrant	466
Goliad	339	Terry	1,036
Gonzales	642	Titus	870
Grayson	530	Travis	457
Grimes	790	Trinity	622
Guadalupe	420	Tyler	575
Hale	1,724	Upshur	719
Hall	480	Vander Zandt	897
Hamilton	435	Victoria	558
Harris	1,199	Walker	1,027
Harrison	818	Waller	1,152
Henderson	984	Washington	592
Hidalgo	326	Williamson	922
Hill	621	Wilson	479
Hood	598	Wise	617
Hopkins	928	Wood	999
Houston	774	Yoakum	741
Jack	510	Young	448
Jim Hogg	330	Zavala	614
Jim Wells	486		

VIRGINIA

Accomack	1,659	James City	1,561
Brunswick	736	Mecklenburg	536
Charles City	1,821	Nansemond	2,146
Chesterfield	854	New Kent	1,542
Dinwiddie	1,364	Norfolk	1,802
Essex	685	Northampton	1,657
Gloucester	600	Prince George	1,641
Greensville	1,366	Southampton	1,885
Hampton	549	Surry	2,120
Hanover	862	Sussex	1,707
Isle of Wight	2,240		

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpretations or applies sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 31st day of October 1958. Witness my hand and the Seal of the Department of Agriculture.

[SEAL]

CLARENCE L. MILLER,
Acting Administrator.

[F. R. Doc. 58-9258; Filed, Nov. 6, 1958; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[945.305, Amdt. 1]

PART 945—TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Findings. 1. Notice of rule making regarding a proposed amendment to the limitation of shipments, to be made effective under Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945), regulating the handling of tomatoes grown in Florida, was published in the FEDERAL REGISTER October 28, 1958 (23 F. R. 8314). This notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto not later than five days after publication in the FEDERAL REGISTER. None was filed. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, it is hereby found and determined that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of tomatoes in the manner set forth below, on and after the effective date of this amendment; (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date; (iv) a reasonable time is permitted under the circumstances, for such preparation; (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area; and (vi) notice has been given of the proposed amendment by publication thereof in the FEDERAL REGISTER of October 28, 1958 (23 F. R. 8314).

Order, as amended. The provisions of § 945.305 (b) (23 F. R. 7578) are hereby amended to read as follows:

(b) **Order.** Except as otherwise provided in subparagraph (6) of this para-

RULES AND REGULATIONS

graph, during the period November 17, 1958, through June 30, 1959, the following regulations shall be effective with respect to all varieties of tomatoes handled for shipment outside the production area as defined in § 945.4 except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties; and cerasiform type tomatoes, commonly referred to as cherry tomatoes;

(1) *Grade.* No person shall handle any tomatoes for shipment outside of the production area, unless such tomatoes meet the requirements of U. S. No. 3, or better, grade.

Container usual description	Carrier container No.	Inside dimensions	Cubic contents	Maximum net weight of tomatoes permitted
		Inches	Inches	Pounds
60-pound field box	None	11 x 11 x 23½	2,692	62
60-pound wirebound crate	4015	11½ x 11½ x 18½	2,672	62
60-pound tomato lug (corrugated)	123, 104	19½ x 13½ x 12½	3,283	62
50-pound duo pack	150	11 x 10½ x 19	2,247	51½
50-pound full telescope	None	10½ x 10½ x 18½	2,083	51½
40-pound two piece cardboard box	1915	10 x 9 x 19½	1,728	41½
40-pound ½ RSC vent stilliner	7007	12½ x 8 x 18½	1,822	41½
40-pound bulge pack tomato box	181, 27	10 x 8½ x 19½	1,753	41½
34-pound tomato lug box	1040	6½ x 13½ x 15½	1,355	35.12

1 Manufacturer's No.

(ii) To allow for variations incident to proper packing, not more than a total of ten (10) percent of the aforesaid containers in any lot, by count, may exceed the specified maximum net weight set forth above for each such container.

(4) *Sizing arrangements.* No person shall handle for shipment outside the production area any mature green tomatoes or any tomatoes with stems which are turning or of a greater degree of maturity unless they are packed in one of the following ranges of diameter applicable thereto:

MATURE GREEN		
Name Identification	Size arrangements	Diameter (inches)
	7 x 8	1½ to 2½, inclusive.
	7 x 7	over 2½ to 2¾, inclusive.
	6 x 7	over 2¾ to 2½, inclusive.
	6 x 6	over 2½ to 2¾, inclusive.

TURNING OR GREATER MATURITY WITH STEMS		
Gem	7 x 8	1¾ to 2½ inclusive.
Small	7 x 7	2 to 2½, inclusive.
Medium	6 x 7	2½ to 2¾, inclusive.
Large	6 x 6	2½ to 2¾, inclusive.
Extra large	5 x 6	2¾ to 3½, inclusive.
Jumbo	5 x 5	3 and over.

All tomatoes subject to sizing arrangements shall be packed separately for each size range, except that Extra Large and Jumbo size tomatoes with stems which are turning or of a greater degree of maturity may be commingled.

(5) *Inspection.* (i) No person shall handle for shipment outside the production area any tomatoes unless such tomatoes are inspected and certified pursuant to the provisions of § 945.60; (ii) to allow for variations incident to proper sizing and handling, for mature green tomatoes not more than a total of ten (10) percent, by count, in any lot or for tomatoes

(2) *Minimum size.* No person shall handle any tomatoes for shipment outside of the production area unless they are 1½ inches in diameter or larger: *Provided,* That not more than 10 percent, by count, of tomatoes in any lot of 7x8 (1½ inches minimum diameter to 2½ inches maximum diameter) may be smaller than the specified minimum diameter.

(3) *Net weight of containers.* No person shall handle for shipment outside the production area any tomatoes packed in the following containers:

(i) Unless the net weight of the tomatoes in such containers does not exceed the maximum net weight set forth below for each such container.

with stems which are turning or of a greater degree of maturity not more than twenty (20) percent, by count, in any lot, may be smaller than the minimum diameter or larger than the specified maximum diameter.

(6) *Containers for turning or greater maturity.* During the period from March 1, 1959, through June 30, 1959, no person shall handle for shipment outside the production area, any tomatoes which are turning or of a greater degree of maturity and shipped in containers smaller than the Los Angeles type lug (Carrier Container No. 1040, 34-lb. lug box), unless such tomatoes are packed in 20-pound, 8-pound, or 3-pound or less capacity containers. These requirements are not applicable to master cartons of tubed or other consumer-packaged containers of tomatoes when each tube or consumer package does not exceed three pounds of tomatoes.

(7) *Truck shipments.* For purposes of these regulations, the rule, § 945.140, relating to truck shipments of tomatoes grown in Florida, issued May 2, 1956, and effective May 5, 1956 (21 F. R. 3000), shall continue in effect.

(8) *Minimum quantity.* For purposes of these regulations, each person subject thereto may handle, pursuant to § 945.53, up to, but not to exceed, 60 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any portion of a shipment of over 60 pounds of tomatoes.

(9) *Special purpose shipments.* The limitations set forth in subparagraphs (1) to (8) of this paragraph shall not be applicable to shipments of tomatoes for the following purposes: (i) Relief or charity, and (ii) processing.

(10) *Safeguards.* Each handler making shipments of tomatoes pursuant to subparagraph (9) of this paragraph for

relief or charity, or for processing, shall (i) file an application with the committee for a Certificate of Privilege; (ii) obtain a Certificate of Privilege from the Committee, if qualified; and (iii) for each such shipment, furnish a record of shipment within 10 days to the committee.

(11) *Definitions.* For the purposes of this section: (i) "Mature green" shall apply to all tomatoes generally showing a slight break in the ground color to a whitish green color over the shoulders; the contents of two or more seed cavities will have developed a jelly-like consistency, and the seeds will be well developed, slightly hard, and in slicing the fruit with a sharp knife will usually be pushed aside rather than cut; (ii) "turning or of a greater degree of maturity" shall apply to all tomatoes where there is at least a definite break in color to pink or red at the blossom end and all higher degrees of color as used and defined under Color Classification in the United States Standards for Fresh Tomatoes (§ 51.1864 of this title); (iii) incident to proper classification, any lot of tomatoes containing more than ten (10) percent, by count, of mature green tomatoes shall be classified as mature green tomatoes; and for any lot of tomatoes to be classified as turning or of a greater degree of maturity, not more than a total of ten (10) percent, by count, of such tomatoes may fail to meet the minimum color requirements; (iv) to be classified as tomatoes with stems not more than twenty (20) percent, by count, of the tomatoes in any lot of turning or of a greater degree of maturity may be without stems; (v) the term "U. S. No. 3" means the U. S. No. 3 grade, as set forth in the U. S. Standards for Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title; 21 F. R. 9559), including the tolerances set forth therein. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 125 and Order No. 45 (§§ 945.1 to 945.92).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 4, 1958.

[SEAL] G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-9277; Filed, Nov. 6, 1958;
8:47 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 614—REGULATIONS TO IMPLEMENT THE EX-SERVICEMEN'S UNEMPLOYMENT COMPENSATION PROGRAM UNDER TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED

SCHEDULE OF REMUNERATION

By virtue of the recent enactment of the Ex-Servicemen's Unemployment Compensation Act of 1958 (72 Stat. 1087, et seq.), it is necessary to amend 20 CFR, Part 614 to include a schedule specifying

the remuneration for each pay grade of servicemen covered by section 3 of that act (72 Stat. 1088), which shall reflect representative amounts for appropriate elements of such remuneration.

Therefore, under the authority contained in section 1509, Title XV of the Social Security Act, as amended (68 Stat. 1135, 42 U. S. C. 1369), and section 3 of the Ex-Servicemen's Unemployment Compensation Act of 1958 (72 Stat. 1088), and in accordance with section 3 (A) (2) of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1002), 20 CFR, Part 614 is amended by adding a new § 614.17 as follows:

1. Section 614.17 is added to read as follows:

§ 614.17 *Schedule of remuneration.*

Pay grades	Monthly rate
1. Commissioned officer:	
O 10.....	\$1,906.00
9.....	1,683.00
8.....	1,558.00
7.....	1,383.00
6.....	1,075.00
5.....	869.00
4.....	758.00
3.....	660.00
2.....	490.00
1.....	385.00
2. Warrant officer:	
W 4.....	716.00
3.....	623.00
2.....	540.00
1.....	487.00
3. Enlisted personnel:	
E 9.....	541.00
8.....	482.00
7.....	434.00
6.....	395.00
5.....	352.00
4.....	291.00
3.....	244.00
2.....	221.00
1.....	214.00

This section shall be applicable with respect to claims for compensation under the Ex-Servicemen's Unemployment Compensation Act of 1958 for weeks of unemployment ending after October 27, 1958.

(Sec. 1509, 68 Stat. 1135; 42 U. S. C. 1369. Interprets or applies sec. 1511, Pub. Law 85-848, 72 Stat. 1088)

Signed at Washington, D. C. this 3d day of November, 1958.

JAMES J. O'CONNELL,
Acting Secretary of Labor.

(P. R. Doc. 58-9278; Filed, Nov. 6, 1958; 8:47 a. m.)

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.380]

PART 53—TRAVEL CONTROL OF CITIZENS AND NATIONALS IN TIME OF WAR OR NATIONAL EMERGENCY

EXCEPTIONS TO REGULATIONS

Pursuant to the authority vested in me by paragraph 126 of Executive Order No. 7856 dated March 31, 1938, issued under the authority of section 1 of the act of Congress approved July 3, 1926 (44 Stat. 887; 22 U. S. C. 211a) and section 4 of the act of May 26, 1949 (63 Stat. 111; 5 U. S. C. 151c), I hereby amend paragraph (a) of § 53.3 *Exceptions to*

regulations in § 53.2 of Title 22 of the Code of Federal Regulations to read as follows:

§ 53.3 *Exceptions to regulations in § 53.2.* * * *

(a) When traveling between the continental United States and the Territory of Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam, or between any such places; or

(Sec. 215, 66 Stat. 190; 6 U. S. C. 1185)

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

Dated: October 28, 1958.

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for
Administration.

[P. R. Doc. 58-9269; Filed, Nov. 6, 1958; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other
Excise Taxes
[T. D. 6333]

PART 296—MISCELLANEOUS REGULATIONS RELATING TO TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES

SUBPART D—INTERIM REGULATIONS RELATING TO EXPORT WAREHOUSES

In order to permit a proper administration of the Internal Revenue Code of 1954, as amended by the Excise Tax Technical Changes Act of 1958 (Pub. Law 85-859, 72 Stat. 1275), with respect to the qualification of persons engaging in or commencing to engage in business as export warehouse proprietors until 26 CFR Part 290, "Exportation of Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes," is issued, Subpart D of 26 CFR Part 296 (§§ 296.91 to 296.97) is prescribed in furtherance of the purposes of sections 5702, 5703, 5704, 5711, 5712, and 5713 of the Code as follows:

- 296.91 Application of existing regulations to export warehouses and export proprietors.
- 296.92 Qualification.
- 296.93 Bond.
- 296.94 Issuance of permit.
- 296.95 Operations.
- 296.96 Forms prescribed.
- 296.97 Limitations.

AUTHORITY: §§ 296.91 to 296.97 Issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 296.91 *Application of existing regulations to export warehouses and export warehouse proprietors.* The provisions of regulations in Subpart B, Subpart E,

Subpart F, Subpart G, and Subpart I (except as any provision of such subparts is manifestly incompatible or inconsistent with the provisions and intent of this subpart) of Part 270 of this chapter (which relate to permits and bonds of manufacturers of cigars and cigarettes), shall, as hereinafter modified, apply to every person who engages in business as an export warehouse proprietor and to the establishment and operation of an export warehouse. The terms "export warehouse" and "export warehouse proprietor", as they appear in this subpart, shall have the meanings ascribed by section 5702, I. R. C. Any references in Subpart B, Subpart E, Subpart F, Subpart G, or Subpart I of Part 270 of this chapter to manufacturers of cigars and cigarettes or to the factory, plant, or premises of such manufacturers, shall, for the purpose of this subpart, be treated as references to an export warehouse proprietor and to the premises on which such a proprietor operates or intends to operate such export warehouse, as the case may be.

§ 296.92 *Qualification.* Every person before commencing business as an export warehouse proprietor shall qualify in the same manner as if commencing business as a manufacturer of cigars and cigarettes under Part 270 of this chapter: *Provided*, That persons who were on September 2, 1958, lawfully engaged in business as proprietors of bonded internal revenue sea stores warehouses or bonded internal revenue tobacco export warehouses under 26 CFR (1939) Part 141 and Part 451, respectively, and who desire to operate an export warehouse shall have 30 days after the effective date of this subpart within which to file with the assistant regional commissioner the required application for a permit to engage in business as an export warehouse proprietor, and such application shall be accompanied by a duly executed bond on Form 2103, "Bond—Proprietor of Internal Revenue Tobacco Export Warehouse." Such persons shall, as provided in section 5712, I. R. C., be entitled to carry on such business pending final action on such application.

§ 296.93 *Bond.* The bond, required by section 5711, I. R. C., to be filed by an export warehouse proprietor, shall be on Form 2103, "Bond—Proprietor of Internal Revenue Tobacco Export Warehouse." The amount of the bond shall be not less than the estimated amount of tax which may at any time constitute a charge against the bond: *Provided*, That the amount of such bond (or the total amount where original and strengthening bonds are filed) shall not exceed \$200,000 nor be less than \$1,000. The charge against such bond shall be subject to increase upon receipt of tobacco products and cigarette papers and tubes into the warehouse and to decrease as satisfactory evidence of exportation, or satisfactory evidence of such other disposition as may be used as the lawful basis for crediting such a bond, is received by the assistant regional com-

missioner with respect to such articles transferred or removed.

§ 296.94 *Issuance of permit.* If the application for permit, bond, and supporting documents are approved by the assistant regional commissioner, the permit shall be issued on Form 2096, "Permit—Under Chapter 52, Internal Revenue Code."

§ 296.95 *Operations.* Except as otherwise provided in this subpart, the operations of an export warehouse shall be conducted in conformity with the applicable provisions of existing regulations (26 CFR (1939) Parts 141 and 451) until such regulations are superseded.

§ 296.96 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms in furtherance of the purposes of this subpart, including bonds, applications, permits, and reports. The information called for in the forms shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

§ 296.97 *Limitations.* This subpart does not amend the provisions of Part 270 of this chapter as to matters within the scope of such regulations.

Because this Treasury decision adopts procedures previously approved in other regulations, and prescribes interim regulations effective only until regulations in 26 CFR Part 290 are issued, to conform to the intent of provisions of the Excise Tax Technical Changes Act of 1958 (Public Law 85-559, 72 Stat. 1275), effective September 3, 1958, as they relate to the qualification of persons engaging in or commencing to engage in business as export warehouse proprietors, in order to facilitate the qualification of persons who desire to engage in this business, it is found that it is impracticable and contrary to the public interest to incur the delay which would result if this Treasury decision were issued with notice and public procedure under section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) or subject to the effective date limitation of section 4 (c) of such Act. Accordingly, this Treasury decision shall become effective on the date of publication in the FEDERAL REGISTER.

[SEAL] O. GORDON DELK,
Acting Commissioner of
Internal Revenue.

Approved: November 4, 1958.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.
[F. R. Doc. 58-9281; Filed, Nov. 6, 1958;
8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS MISCELLANEOUS AMENDMENTS

1. The headnote of § 3.287 is amended to read as follows:

§ 3.287 *Discontinuance of additional compensation under sections 316 and 336, Public Law 85-56; effective dates.* * * *

2. In § 3.296, paragraphs (a), (c) (2), and (d) are amended to read as follows:

§ 3.296 *Concurrent payment of benefits to same person.* (a) On and after July 13, 1943, the provisions of this section are applicable to all laws administered by the Veterans Administration. Except to the extent that retirement pay is waived, not more than one award of pension, compensation, or emergency officers', regular or reserve retirement pay, or initial award of naval pension granted after July 13, 1943, shall be made concurrently to any person based on his own service. The receipt of pension or compensation by a widow, child, or parent on account of the death of any person, or receipt by any person of pension or compensation on account of his own service, shall not bar the payment of pension or compensation on account of the death or disability of any other person. Pension, compensation, or retirement pay on account of his own service shall not be paid for any period for which he receives active service pay, but the receipt of active service pay shall not bar the payment of pension or compensation on account of the death or disability of any other person.

(Sec. 1004, Public Law 85-56)

(c) * * *
(2) Under section 501 (b) (2), Public Law 881, 84th Congress, active service of commissioned officers of the Public Health Service on or after July 4, 1952, is deemed to be active military service in the Armed Forces of the United States for the purpose of all laws administered by the Veterans Administration authorizing the payment of compensation and pension: *Provided*, That no benefits may be paid under the cited section prior to January 1, 1957. Therefore, if both the retirement and the disability occur after December 31, 1956, the prohibition against the concurrent payment of compensation or pension and retirement pay contained in section 1004, Public Law 85-56, will apply. Similarly if the disability for which the commissioned officer was retired was incurred after July 3, 1952, but prior to January 1, 1957, and eligibility for compensation arises solely by virtue of section 501 (b) (1), Public Law 881, 84th Congress, such compensation would not be payable concurrently with retirement pay.

(d) New awards of naval pension under sections 6159 and 6160, chapter 561, Title 10, United States Code (sec. 2201 (31) (C), Public Law 85-56) may not be awarded concurrently with other pensions or compensation. However, this provision does not apply to a continuation of those concurrent awards of naval pension which were in effect on July 13, 1943, nor to renewals or continuation of such prior awards.

3. Section 3.298 is revised to read as follows:

§ 3.298 *Payment of compensation or pension to minors discharged from the military service.* The minority of a per-

son who has been discharged from the military or naval forces of the United States will not preclude direct payment of either compensation or pension to such person (sec. 1502, Public Law 85-56).

4. Section 3.300 is revised to read as follows:

§ 3.300 *Military and naval retirement pay.* Under existing law, the only prohibitions against receipt of pension, compensation, emergency officers', regular or reserve retirement pay by a veteran on account of his own service are: (a) That not more than one award of such benefits shall be made concurrently, and (b) that such benefits shall not be paid to any person for any period for which he receives active service pay. (See § 3.296.) Therefore, an officer or enlisted man entitled to retirement with pay (retainer pay is in the nature of reduced retirement pay) who is also entitled to compensation or pension may elect which of the benefits he desires to receive. Such election does not bar him from making a subsequent election of the other benefit to which he is entitled. The provisions of section 212, Public Law 212, 72d Congress, as amended, do not apply to compensation or pension, and do not in any way preclude such election. In initial elections this interpretation may be applied retroactively if the claimant was not advised of his rights of election and the effect thereof. Moreover, any member of the uniformed services including Coast and Geodetic Survey and Public Health Service in receipt of retirement pay may, by filing with the department by which such retired pay is paid a waiver of a part of such retired pay equal in amount to the pension or compensation to which he is otherwise entitled, receive such pension or compensation concurrently with the balance of his retired pay. (Sec. 1005, Public Law 85-56, as amended.) (See Veterans Administration adjudication procedures.)

(Sec. 210, 71 Stat. 91; 38 U. S. C. 2210)

This regulation is effective November 7, 1958.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator.

[F. R. Doc. 58-9276; Filed, Nov. 6, 1958;
8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 24—UNIFORM SYSTEM OF ACCOUNTS FOR REFRIGERATOR CAR LINES MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 28th day of October A. D. 1958.

The matter of accounting regulations prescribed for refrigerator car lines being under consideration pursuant to provisions of section 20 (6) of the Interstate Commerce Act, as amended; and, It appearing that an order entered November 25, 1957 made certain changes

in such regulations but omitted minor details, which are not material to the intent of the order, but which might cause confusion in applying its provisions; and,

It further appearing that the refrigerator car lines subject to these regulations have requested changes in the provisions thereof to conform, in the matter of car repairs, to a recent change in the contract under which cars are furnished to railroad companies and that, since these are the only changes of substance given effect by this order and are necessary to the car lines in their operating settlements, it is deemed that the order is not subject to the public rule making requirements of section 4 (a) of the Administrative Procedure Act; and therefore,

It is ordered, That effective January 1, 1959 the Uniform System of Accounts for Refrigerator Car Lines be, and it is hereby, modified as shown below, which by this reference are made a part of this order; and,

It is further ordered, That the order shall be served on all refrigerator car lines which are subject to its provisions, and that notice of the order shall be given to the general public by depositing a copy of the order and attachments in the office of the Secretary of the Commission at Washington, D. C., and by filing the order with the Director, Federal Register Division.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

A. Operating revenue accounts:

1. Prescribe the following new and additional revenue account:

§ 24.115 *Other icing service revenue.* This account shall include icing service revenues not otherwise provided for.

2. In § 24.119 *Miscellaneous revenue*, cancel the title and text of this account and substitute the following provisions in lieu thereof:

§ 24.119 *Other mechanical protective service revenue.* This account shall include revenues from mechanical protective service operations not otherwise provided for.

3. Prescribe the following new and additional revenue account:

§ 24.128 *Other heater service revenue.* This account shall include heater service revenues not otherwise provided for.

B. Operating expense instructions:

1. In § 24.01-40 *Ice plant operations*, change the parenthetical reference to account 411, "Precooling service," to read account 384, "Precooling service."

2. In § 24.01-42 *Production cost of ice*, change the parenthetical reference to account 411, "Precooling service," to read account 384, "Precooling service."

C. Operating expense accounts:

1. In the note to the text of § 24.310 *Car repairs*, delete the reference to account 410 "Repairs—Refrigeration service facilities," and substitute for it the expression: "account 383 'Repairs; icing service facilities,' or account 406, 'Supplies and repairs,' as appropriate."

2. In the note to the text of § 24.375 *Salt*, change the reference to account 355, "Icing operations," to read account 354, "Icing operations."

3. In § 24.381 *Supervision*, delete the word "refrigeration" as it appears once in the text of this account and substitute for it the word, "icing."

4. In § 24.382 *Rents; refrigeration service facilities*, delete the word, "refrigeration," as it appears in the title and once in the text of this account and substitute for it the word, "icing."

5. In § 24.383 *Repairs; refrigeration service facilities*, delete the word, "refrigeration," as it appears in the title and once in the text of this account and substitute for it the word, "icing"; also delete the expression, "refrigerating devices," as it appears once in the text and substitute for it the expression, "ice bunkers."

6. In § 24.385 *Injuries to persons*, delete the word, "refrigeration," as it appears once in the text of this account and substitute for it the word, "icing."

7. In § 24.386 *Insurance*, delete the word, "refrigeration," as it appears once in the text of this account and substitute for it the word, "icing."

8. In § 24.387 *Stationery and printing*, delete the word, "refrigeration," as it appears once in the text of this account and substitute for it the word, "icing."

9. In § 24.390 *Other expenses*, delete the word "refrigeration," as it appears once in the text of this account and substitute for it the word, "icing."

10. In § 24.395 *Depreciation; refrigeration service facilities*, delete the word, "refrigeration," as it appears in the title and once in the text of this account and substitute for it the word, "icing."

11. In § 24.396 *Retirements; refrigeration service facilities*, delete the word, "refrigeration," as it appears in the title and once in the text of this account and substitute for it the word, "icing."

12. In § 24.404 *Other supplies*, cancel the title and text of this account, including the note to the text.

13. In § 24.406 *Repairs*, cancel the title and text of this account and substitute the following provisions in lieu thereof:

§ 24.406 *Supplies and repairs.* (a) This account shall include the cost of supplies, other than fuel, used in mechanical protective service units, including freon, anti-freeze, lubricating oil, and supplies for standby service, and shall include the cost of maintaining and repairing such units. For this purpose the cost of repairs shall include the cost of inspecting and servicing incidental thereto, and the maintenance of buildings and other structures (including grounds appurtenant thereto), machinery, fixtures, and other facilities used in furnishing mechanical protective services.

(b) This account shall also be charged with amounts paid to others for expenses as detailed above which were incurred for units for which the company is liable, and credited with amounts billed against others for similar expenses as to units not owned or controlled by the company.

NOTE: The cost of dry ice (solidified carbon dioxide) used as a refrigerant, when a mechanical unit fails to provide the necessary protection, shall be charged to account 415, "Other expenses," to which account shall also be credited amounts collected from others for similar emergency protection.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12 (1). Interpret or applies sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20 (6).)

[F. R. Doc. 58-9273; Filed, Nov. 6, 1958; 8:46 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

COMMERCIAL ZONES

DEFINITION OF BOUNDARY OF KANSAS CITY, MO.-KANSAS CITY, KANS.

OCTOBER 2, 1958.

Hereto defined in No. MC-C-258; Kansas City, Mo.-Kansas City, Kans. Commercial Zone, 54 M. C. C. 288.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given

that, for the purpose of including additional points and areas, which by reason of industrial and other developments and growth have become a part thereof, within the defined limits of the zone which is adjacent to and commercially a part of Kansas City, Mo., and Kansas City, Kans., within the meaning of section 203 (b) (8) of the Interstate Commerce Act, the Interstate Commerce Commission, upon consideration of petitions of the Chamber of Commerce of Kansas City, Mo., as amended, Pacific Inter-mountain Express, Inc., et al., Peck-Woolf Sand and Gravel Co., Inc., et al., and the Midwest Precote Company, dated

July 11, August 2 and August 5, 1957, and March 3, 1958, respectively, seeking, among other things, enlargement of said zone and of the "joint and separate" reply of St. Louis-San Francisco Railway Company and the Kansas City Southern Railway Company, dated July 11, 1957, and after informal investigation, proposes to modify and redefine, as herein-after indicated, the limits of the zone adjacent to and commercially a part of Kansas City, Mo., and Kansas City, Mo.-Kansas City, Kans., Commercial Zone, 54 M. C. C. 288 (§ 170.8), and to revise description of such zone limits to read as follows:

§ 170.8 Kansas City, Mo.-Kansas City, Kans. . . .

All points within an area bounded by a line as follows: Beginning on the north side of the Missouri River at the western boundary line of Parkville, Mo., thence along the western and northern boundaries of Parkville to Kansas Highway 9, thence north along Kansas Highway 9 to junction U. S. Highway 71, thence north along U. S. Highway 71 to the southern limits of the Mid-Continent International Airport, thence along the southern, western, northern and eastern boundaries of said Airport to U. S. Bypass 71, thence east along U. S. Bypass 71 to Liberty, Mo., thence along the northern and eastern boundaries of Liberty to U. S. Bypass 71, thence south along U. S. Bypass 71, to Sugar Creek Road (4N), thence along Sugar Creek Road (4N) to a common junction thereof with U. S. Highway 24 and an unnumbered highway; thence southeast over such unnumbered highway to its junction with Jones Road, thence south on Jones Road to its junction with Necessary Road, thence south on Necessary Road to its junction with Holke Road, thence west on Holke Road to Kiger Road, thence south on Kiger Road to Evans & Sheley Lane, thence east on Evans & Sheley Lane to County Road 10E, thence south on County Road 10E to the southern limits of Lees Summit, Mo., thence along the northern, eastern, and southern boundaries of Lees Summit to County Road

10S (Longview Road), thence west on County Road 10S to junction Raytown South Road (5E), thence south on Raytown South Road (5E) to Missouri State Highway 150, thence west on Missouri Highway 150 to the eastern boundary of Richards-Gebaur Air Force Base, thence along the eastern, southern, and western boundaries of said Air Force Base to Missouri Highway 150, thence west along Missouri Highway 150 to the Kansas-Missouri State boundary line thence north along the Kansas-Missouri State boundary line to 110th Street, thence west along 110th Street to junction U. S. Highway 69 thence north along U. S. Highway 69 to junction 103rd Street thence west along 103rd Street to junction Pflumm Road, thence north along Pflumm Road to Lenexa, Kans., thence along the southern, western, and northern boundaries of Lenexa to Pflumm Road, thence north along Pflumm Road to junction Kansas Highway 10, thence west on Kansas Highway 10 to junction Kansas Highway 7 thence north thereon to junction Missouri Highway 32 thence east on Missouri Highway 32 to junction 65th Street, thence north along 65th Street to junction U. S. Highway 24, thence east along U. S. Highway 24 to junction 64th Street Terrace, thence north along 64th Street Terrace to Parallel Road, thence west along Parallel Road to 81st Street, thence north along 81st Street to junction Kansas Highway 5, thence east along Kansas Highway 5 to 77th Street, thence north along 77th

Street actual or proposed to the southern bank of the Missouri River, thence east along the southern bank of the Missouri River to a point directly across from the western boundary of Parkville, Mo., thence across the Missouri River to point and place of beginning.

No oral hearing is contemplated, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the defined boundary of the Kansas City, Mo.-Kansas City, Kans., Commercial Zone may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before November 25, 1958.

Notice to the general public of action herein taken shall be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Federal Registrar Division.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-9272; Filed, Nov. 5, 1958;
8:46 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 845]

ALASKA FREIGHT LINES, INC.

ANY-QUANTITY COMMODITY RATES, TEXAS, GULF AND MIDWEST, ALASKA; NOTICE OF INVESTIGATION AND OF HEARING

On October 13, 1958, the Federal Maritime Board entered the following order:

It appearing that there have been filed with the Federal Maritime Board tariff schedules naming new rates and charges and new rules, regulations and practices affecting such rates and charges applicable between New Orleans and Texas ports on the one hand, and various points in Alaska on the other, also between St. Louis, Mo., and Chicago, Ill., on the one hand and various points in Alaska on the other, designated as follows:

Alaska Freight Lines, Inc., Loose-Leaf Local Freight Tariffs—No. 7, F. M. B. F.—No. 7 and No. 8, F. M. B. F.—No. 8.

It further appearing that protests have been received petitioning the Board to suspend and investigate the lawfulness and reasonableness of said schedules; and

It further appearing that the Board is of the opinion that the new rates and charges and the new rules and regulations and practices should be made the subject of a public investigation and hearing to determine whether they are just and reasonable and otherwise lawful under sections 16 and 18 of the Shipping Act, 1916 or the Intercoastal Shipping Act, 1933, as amended; now therefore

It is ordered, That the Board enter upon an investigation and hearing concerning the reasonableness and lawfulness of the rates, charges, rules, regulations and practices, as shown in Alaska Freight Lines, Inc., Local Freight Tariffs Nos. 7 and 8, F. M. B. F.—Nos. 7 and 8 in their entirety, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That the protests insofar as they petition the Board to suspend such rates, charges, rules, regulations and practices be denied;

It is further ordered, That the investigation herein ordered be assigned for hearing before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner; that a copy of this order shall be forthwith served upon Alaska Freight Lines, Inc., and that said Alaska Freight Lines, Inc., and protestants herein be duly notified of the time and place of the hearing herein ordered; and that notice of such hearing be published in the FEDERAL REGISTER.

Pursuant to the above order, notice is hereby given that a public hearing in this proceeding will be held before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an

interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5 (n) of said rules.

Dated: November 4, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-9291; Filed, Nov. 6, 1958;
8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

LIVESTOCK SANITARY BOARD OF ARIZONA

INSPECTION OF CATTLE, HORSES AND MULES

The Livestock Sanitary Board of the State of Arizona has, pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 217a), made written application to the Secretary of Agriculture for authorization to charge and collect at posted stockyards within the State of Arizona a reasonable and nondiscriminatory fee for the inspection of brands, marks, and other identifying characteristics of cattle, horses and mules originating in or shipped from the State of Arizona for the purpose of determining the ownership of such livestock.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue such an authorization to the Livestock Sanitary Board of the State of Arizona in accordance with the provisions of section 317 of the Packers and

Stockyards Act, 1921, as amended. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C. this 4th day of November 1958.

[SEAL] LEE D. SINCLAIR,
Acting Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 58-9292; Filed, Nov. 6, 1958;
8:49 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN GEODESY POSITIONS THROUGHOUT CONTINENTAL UNITED STATES

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for positions in the Geodesy Series, GS-1372-0, at the grades indicated below.

This increase will become effective on the first day of the second pay period which begins after November 7, 1958, and applies to these positions throughout continental United States.

The minimum rates of pay for positions in the Geodesy Series, GS-1372-0, have been increased as follows:

GS-5 from \$4,040 to \$4,490 (fourth step).
GS-7 from \$4,980 to \$5,430 (fourth step).
GS-9 from \$5,985 to \$6,285 (third step).
GS-11 from \$7,030 to \$7,510 (third step).
GS-12 from \$8,330 to \$8,810 (third step).
GS-13 from \$9,890 to \$10,130 (second step).
GS-14 from \$11,355 to \$11,595 (second step).

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-9279; Filed, Nov. 6, 1958;
8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-18]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF FACILITY LICENSE AMENDMENT

Please take notice that the Atomic Energy Commission has issued Amendment No. 8 set forth below, to License DPR-1 authorizing the General Electric Company to irradiate samples of an experimental aluminum alloy contained inside a stainless steel capsule in the Vallecitos Boiling Water Reactor. The Commission has found that operation of the facility in accordance with the terms and conditions of the license as amended will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

No. 219—2

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed additional experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the Vallecitos Boiling Water Reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervenor within thirty days after the license amendment. For further details, see (1) the application for license amendment submitted by General Electric Company and (2) a hazards analysis of the proposed experiments prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street, NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 3d day of November 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[License No. DPR-1, Amtd. 8]

In addition to the activities previously authorized by the Commission under License No. DPR-1, as amended, the General Electric Company, (hereinafter referred to as the "licensee"), is authorized to irradiate samples of an experimental aluminum alloy contained in a stainless steel capsule in the Vallecitos Boiling Water Reactor in accordance with the procedures and subject to the limitations stated in its application Amendment No. 29 dated September 19, 1958.

In performing these tests, the licensee shall comply with the conditions and requirements contained or incorporated in paragraph 4 of License No. DPR-1 as amended.

This amendment is effective as of the date of issuance.

Date of issuance: November 3, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-9266; Filed, Nov. 6, 1958;
8:45 a. m.]

[Docket No. 50-75]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NOTICE OF AMENDMENT TO CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 set forth below to Construction Permit No. CPCX-11 extending to January 15, 1959 the latest completion

date for the National Aeronautics and Space Administration's zero power research reactor located at the Lewis Research Center near Cleveland, Ohio.

Dated at Germantown, Md., this 31st day of October 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[Construction Permit No. CPCX-11, Amtd. 2]

Condition A of Construction Permit No. CPCX-11 is hereby amended by changing the second sentence thereof to read as follows: "The latest date for completion of the reactor is January 15, 1959."

This amendment is effective as of the date of issuance.

Date of issuance: October 31, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-9267; Filed, Nov. 6, 1958;
8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9398 etc.; FCC 58-1020]

GRALLA AND GRALLA ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Isador Gralla and Jay Gralla d/b as Gralla and Gralla, Tujunga, California, Docket No. 9398, File No. BP-6763; Cannon System, Ltd. (KIEV), Glendale, California, Docket No. 9401, File No. BP-7260; South Coast Broadcasting Co., Laguna Beach, California, Docket No. 12640, File No. BP-9912; Robert D. Lamb and Charles R. Dooley d/b as Southland Communications Co., Anaheim, California, Docket No. 12641, File No. BP-10725; J. J. Flanagan, Fontana, California, Docket No. 12642, File No. BP-10967; Gordon A. Rogers, Colton, California, Docket No. 12643, File No. BP-11209; San Luis Rey Broadcasting Company, Inc., Newport Beach, California, Docket No. 12644, File No. BP-11729; Donald C. McBain, Howard G. Hoegsted, George W. Irwin and Arthur B. Balinger d/b as Upland Broadcasting Company, Upland, California, Docket No. 12645, File No. BP-11942; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of October 1958;

The Commission having under consideration the above-captioned applications requesting the following standard broadcast facilities:

NEW, Tujunga, California, Isador Gralla and Jay Gralla d/b as Gralla and Gralla. Req: 840 kc, 250 w. Day.

KIEV, Glendale, California, Cannon System, Ltd. Has: 870 kc, 250 w. Day. Req: 870 kc, 10 kw. Day.

NEW, Laguna Beach, California, South Coast Broadcasting Co. Req: 890 kc, 1 kw. Day.

NEW, Anaheim, California, Robert D. Lamb and Charles R. Dooley d/b as South-

land Communications Co. Req: 900 kc, 250 w, DA, Day.

NEW, Fontana, California, J. J. Flanigan. Req: 830 kc, 1 kw, Day.

NEW, Colton, California, Gordon A. Rogers. Req: 860 kc, 5 kw, DA, Day.

NEW, Newport Beach, California, San Luis Rey Broadcasting Company, Inc. Req: 820 kc, 500 w, DA, Day.

NEW, Upland, California, Donald C. McBain, Howard G. Hoegsted, George W. Irwin and Arthur B. Balinger, d/b as Upland Broadcasting Company. Req: 900 kc, 250 w, DA, Day.

It appearing that the above-captioned applications are interlinked by mutual interference problems; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letter dated June 26, 1958, that the aforementioned interference problems and certain deficiencies in the applications then obtained; that a hearing on the applications is necessary; and that the applicants were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letter, the Commission finds that it cannot be determined whether Gralla and Gralla is legally, financially, technically and otherwise qualified because the information in the application was submitted over ten years ago and, for the most part is obsolete, is not in the form required under the present Commission rules, and is inadequate upon which to make appropriate findings and conclusions with respect to said applicant and the proposal; that Cannon System, Ltd. (KIEV), the South Coast Broadcasting Co., the Southland Communications Co., J. J. Flanigan and the Upland Broadcasting Company are legally, financially, technically and otherwise qualified except as to Issues 5, 6, 7, 8, and 11, respectively, below; and that Gordon A. Rogers and the San Luis Rey Broadcasting Company, Inc. are legally, technically and otherwise qualified except as to issues 9 and 10 respectively, below; and

It further appearing that, by letters dated July 18 and September 13, 1958, Gralla and Gralla and the San Luis Rey Broadcasting Company, Inc., requested additional time in which to amend their applications but that the Commission is of the opinion that the above-captioned applications should be designated for hearing without further delay as any applicant may amend after designation for hearing on a showing of good cause pursuant to § 1.311 of the Commission's rules; and that, therefore, said requests for additional time in which to amend should be denied; and

It further appearing that the applications of Gralla and Gralla, Cannon System, Ltd. (KIEV), South Coast Broadcasting Co., J. J. Flanigan, and the San Luis Rey Broadcasting Company, Inc., request assignments on United States clear channels, and that, therefore, in the event of favorable action on any of said applications in the hearing ordered below, final action will be withheld pursuant to § 1.351 of the Commission's

rules and the Further Notice of Proposed Rule Making, Docket No. 6741, released April 15, 1958; and

It further appearing that Gordon A. Rogers proposes to operate on a Canadian Class I channel, that his proposed operation is inconsistent with the proposed bilateral agreement between the United States and Canada concerning the assignment of Class II stations on Class I channels of the United States and Canada and that comments concerning the proposed operation have been requested of Canada but that a reply from the Canadian authorities has not been received; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing on the applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of Gralla and Gralla, the South Coast Broadcasting Co., the Southland Communications Co., J. J. Flanigan, Gordon A. Rogers, the San Luis Rey Broadcasting Company, Inc., and the Upland Broadcasting Company, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would be expected to gain or lose primary service from the operation of Station KIEV as proposed and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the operations proposed in the above-captioned applications would cause to and receive from each other and all others existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine, with respect to the application of Gralla and Gralla,

(a) Whether Isador Gralla and Jay Gralla d/b as Gralla and Gralla are legally, financially, technically and otherwise qualified to operate their proposed station and whether their instant proposal is in compliance with the Commission's rules.

(b) Whether the proposed 25 mv/m contour will overlap the proposed KIEV 25 mv/m contour in violation of § 3.37 of the Commission's rules.

(c) Whether the antenna system would constitute a hazard to air navigation.

5. To determine, with respect to the application of Cannon System, Ltd. (KIEV),

(a) Whether the proposed 25 mv/m contour would overlap the 25 mv/m contour proposed by Gralla and Gralla in violation of § 3.37 of the Commission's rules.

(b) Whether there would occur 2 and 25 mv/m contour overlap with the proposed operation of the South Coast

Broadcasting Co., in violation of § 3.37 of the Commission's rules.

(c) Whether the proposed antenna system would constitute a hazard to air navigation.

6. To determine, with respect to the application of the South Coast Broadcasting Co.,

(a) Whether there would occur 2 and 25 mv/m contour overlap with the proposed operation of KIEV in violation of § 3.37 of the Commission's rules.

(b) Whether the proposed operation would cause objectionable interference to the existing operation of Station KIEV, Glendale, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

(c) Whether the proposed antenna structure would constitute a hazard to air navigation.

7. To determine, with respect to the application of the Southland Communications Co.,

(a) Whether, in view of the degree of signal suppression proposed toward Mexico, the directional antenna system can be adjusted and maintained as proposed.

(b) Whether the proposed operation is in contravention of the Agreement between the United States of America and the United Mexican States concerning Radio Broadcasting in the Standard Broadcast Band, Mexico, D. F., 1957.

8. To determine, with respect to the application of J. J. Flanigan,

(a) Whether the proposed 25 mv/m contour would overlap the 25 mv/m contour proposed by Gordon A. Rogers in violation of § 3.37 of the Commission's rules.

(b) Whether the proposed antenna structure would constitute a hazard to air navigation.

9. To determine, with respect to the application of Gordon A. Rogers,

(a) Whether there would occur 2 and 25 mv/m contour overlap with the proposed operation of KIEV in violation of § 3.37 of the Commission's rules.

(b) Whether the proposed 25 mv/m contour would overlap the 25 mv/m contour of J. J. Flanigan in violation of § 3.37 of the Commission's rules.

(c) Whether the proposed operation would cause objectionable interference to the existing operation of Station KIEV, Glendale, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

(d) Whether, because of interference received from the existing operation of KIEV and from Stations KTRB, Modesto, California, and XEMO, Tijuana, Mexico, the proposed operation would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

(e) Whether the proposal would be inconsistent with the proposed bilateral agreement between the United States

and Canada concerning the assignment of Class II stations on Class I channels of the United States and Canada.

(f) Whether the proposed antenna structure would constitute a hazard to air navigation.

(g) Whether the applicant is financially qualified to meet the cost of construction and initial operation of the proposed station.

10. To determine, with respect to the application of the San Luis Rey Broadcasting Company, Inc.,

(a) Whether the proposed antenna structure would constitute a hazard to air navigation.

(b) Whether the applicant is financially qualified to meet the costs of construction and initial operation of the proposed station.

(c) The type and character of the program service proposed and whether such program service would serve the public interest.

11. To determine, with respect to the application of the Upland Broadcasting Company,

(a) Whether the proposed transmitter site meets the requirements of § 3.188 of the Commission's rules with particular reference to whether the proposed antenna structure would constitute a hazard to air navigation.

(b) Whether the proposal is in contravention of the proposed Agreement between the United States of America and the United Mexican States concerning Radio Broadcasting in the Standard Broadcast Band, Mexico, D. F., 1957.

12. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

13. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That the requests of Gralla and Gralla and the San Luis Rey Broadcasting Company, Inc. for additional time in which to amend their applications are denied.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That, pursuant to § 1.352 (e) and the Note to § 3.28 (b) of the Commission's rules, the hearing

herein shall be governed by the procedures established in § 1.352 (c) of the rules.

It is further ordered, That, in the event of favorable action on any of the applications of Gralla and Gralla, Cannon System, Ltd. (KIEV), the South Coast Broadcasting Co., J. J. Flanagan and the San Luis Rey Broadcasting Company, Inc., in the hearing ordered above, said application or applications will be held without final action pursuant to § 1.351 of the Commission's rules.

It is further ordered, That, in the event of a grant of the application of the South Coast Broadcasting Co., the construction permit shall include a condition that the permittee shall install an approved frequency monitor.

Released: November 3, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-9283; Filed, Nov. 6, 1958;
8:48 a. m.]

[Docket No. 12210; FCC 58M-1229]

KENNETH G. PRATHER AND MISHA S.
PRATHER

ORDER CONTINUING HEARING

In re application of Kenneth G. Prather and Misha S. Prather, Boulder, Colorado, Docket No. 12210, File No. BP-11289; for construction permit.

The Hearing Examiner having under consideration certain rulings and agreements made on the record of an oral argument held this date in the above-entitled matter,

It is ordered, This 3d day of November 1958, that engineering exhibits shall be exchanged among the parties, with copies to the Hearing Examiner, on or before 5:00 p. m., January 5, 1959; and

It is further ordered, That the hearing in this matter presently scheduled to commence on November 5, 1958, be and it hereby is rescheduled to commence at 9:00 a. m., January 12, 1959, in the Commission's offices in Washington, D. C.

Released: November 3, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-9283; Filed, Nov. 6, 1958;
8:48 a. m.]

[Docket No. 12237 etc.; FCC 58M-1228]

OKLAHOMA TELEVISION CORP. ET AL.
MEMORANDUM OPINION AND ORDER
AMENDING ISSUES

In re applications of Oklahoma Television Corporation, New Orleans, Louisiana, Docket No. 12237, File No. BPCT-2330; William G. Aly, Richard J. Carrere, Frank B. Ellis, George C. Poltz, George E. Martin, Joseph A. Paretti, Chalin O.

Perez, John E. Pottharst, and William H. Saunders, Jr., d/b as Coastal Television Company, New Orleans, Louisiana, Docket No. 12289, File No. BPCT-2430; for construction permits for new television broadcast stations (Channel 12); Supreme Broadcasting Company, Inc., New Orleans, Louisiana, Docket No. 12238, File No. BMPCT-4679; for modification of construction permit, (from Channel 20 to Channel 12).

1. The Hearing Examiner has under consideration: (1) A petition to add permissive financial issue filed September 16, 1958 jointly on behalf of Coastal and Oklahoma; (2) two oppositions to the above petition filed September 23 and September 25, 1958 on behalf of Bureau and Supreme, respectively; (3) a joint reply to Bureau's opposition filed September 26, 1958, on behalf of the petitioners; and (4) statements and arguments of counsel and relevant evidence as shown at numerous places in the hearing record. Hearings and conferences herein have been held on 35 days between December 12, 1957 and October 28, 1958, and the hearing is to be resumed on December 15, 1958.

2. Briefly summarized, petitioners requested the Hearing Examiner to enlarge the issues, as permitted by the Commission's orders of designation released on November 8, 1957 and January 24, 1958, by adding this issue: To determine whether the funds available to Supreme Broadcasting Company, Inc. will give reasonable assurance that the proposal set forth in the application will be effectuated.

A principal ground urged in support of the petition is that Supreme's studio facilities proposal as it was revealed during the course of the hearing substantially differs from the proposal as identifiable in the Supreme application. Some details of this contention will necessarily be stated hereinafter, but it is here noted that the petitioners' various objections to, and motions to strike, much of the studio proposal evidence for Supreme, on the grounds that the evidence constituted a substantial variance from the application, were overruled on the record at the hearing on October 27, 1958. Likewise, the ruling hereinafter formally set out was stated on the hearing record at that time.

3. Some factual and procedural background information is essential to an understanding of the questions that have been ruled on, as stated immediately above. In reciting that background herein, it is emphasized that ultimate judgments upon the facts of record have not been made and are not to be inferred from the statements herein; such statements are set out solely for the purpose of showing considerations that relate to the evidentiary and procedural rulings upon Supreme's studio proposal and financial qualifications.

4. The applicants here seek authorization for a television station to be operated on VHF Channel 12 at New Orleans, Louisiana. Supreme operates a UHF television station there, and it engages in a temporary experimental simultaneous

operation on Channel 12 pursuant to special Commission authorization;¹ it also operates both AM and FM stations. Supreme conducts its television studio operations in New Orleans in both the Jung Hotel, which is at 1500 Canal Street, and in a converted garage building located at 1422 Cleveland Avenue which is near to, commonly owned with, and was formerly used by, the Jung Hotel. In general, studios and cameras are at 1422 Cleveland Avenue whereas switching controls are located in the hotel. The described studio facilities have been so utilized by Supreme for more than three years.

5. The Supreme application now in hearing was filed on May 3, 1957, and in section III, which requires information concerning estimated initial cost of the proposed installation, stated the cost of "Acquiring, remodeling, or constructing buildings" to be \$40,000; by amendment of application filed October 22, 1957, the preceding figure was changed to \$140,000. The plan of financing originally proposed by Supreme, and not altered by the amendment, indicated that Chester F. Owens has agreed to lend to Supreme "such funds as may be required for equipment, construction and operating expenses"; also, equipment is to be purchased on credit terms offered by the General Electric Company. Mr. Owens is the principal stockholder (more than 90 percent) in Supreme, and he exhibited with the Supreme application a personal balance sheet, as of February 28, 1957, indicating a net worth in excess of \$1,500,000. The Supreme application at Section V-C, Item 5, shows that the main studio location is at 1500 Canal Street, New Orleans, Louisiana; no application amendment or exhibit makes reference to 1422 Cleveland Avenue.

6. There were developed in the course of prehearing exchanges of information and in the presentation of evidence at the hearing showings that: (1) Supreme intends to utilize studio facilities to be constructed at 1422 Cleveland Avenue (such construction to involve a remodeling of the premises, including the addition of a second floor or the construction of a new building); (2) the cost of construction is estimated at \$240,000 or more; and (3) the Supreme plan is that Mr. Owens will construct or remodel the building as required and will lease it to Supreme. The foregoing statement condenses, for the purposes of this discussion only, information that was very extensively explored in the pleadings and on the record, and omits—because it is not here or now necessary to resolve them—references to some elements of uncertainty about the Supreme studio proposal. It was stipulated by all counsel that the Supreme application made no reference to either the Cleveland Avenue address or a plan for Supreme to employ leased studio facilities.

¹The legal status of the Commission's temporary authorization, in view of the decision of the Court of Appeals (Capitol Broadcasting Company v. FCC, et al., 257 F. 2d 630, May 22, 1958) and in view of a Commission order announced on October 29, 1958 (not yet published), is not here material.

7. The hearing evidence concerning Supreme's studio facilities and plans was adduced in the face of objections by petitioners and was assaulted by motions to strike that evidence for the reason that the evidentiary showing embodied substantial variances from the showing made in the Supreme application on which the hearing is being conducted. The questions thus raised were debated on the record and in memorandum briefs separately submitted on behalf of each applicant. To summarize with brevity what was argued extensively, it may be said that the petitioners contended, and Bureau counsel concurred, that the evidence for Supreme constituted a so substantial variance from the application showing as to be inadmissible without an amendment of the application, and that neither has an amendment been requested nor has there been a sufficient showing of such good cause as would be required to support an amendment; the claimed variances, not fully embraced by Bureau counsel, are: (1) Inconsistency of the studio location addresses; (2) a leasing arrangement is now claimed but is not indicated in the application; (3) uncertainty surrounds the plans for studio construction (cost estimates and the extent of remodeling or rebuilding were variously recited in the testimony); and (4) the existing Cleveland Avenue lease to Supreme forbids structural changes in the premises. The objections and motions to strike were overruled, as above noted and as shown by the transcript record, an underlying consideration being that the receipt of evidence upon these matters would neither impinge upon orderly conduct of the hearing nor result in unfair surprise or competitive disadvantage to the competing applicants.

8. There is no disagreement by any party with the proposition that the amended application's showing of \$140,000 for construction costs included \$40,000 for transmitter building construction (an item not otherwise material to this discussion), leaving \$100,000 for studio construction. Also, it is accepted that the cost of constructing the proposed studio facilities—whether by adding to or replacing the existing building—will exceed by \$100,000 or more the sum shown therefor in the application. Whereas the application, as considered by the Commission in making its ex parte finding that Supreme is financially qualified, made no disclosure of plans for leasing studio facilities, such plans have been made manifest in the hearing process. It is clear that the Commission's basic finding of financial qualification rested on the showing of a \$140,000 requirement for studio and transmitter construction, as well as upon the showing that Mr. Owens would lend to Supreme the funds required to finance the station installation as proposed. It necessarily follows that the Commission did not consider, because it was not at all so apprised, that additional money in the amount of at least \$100,000 would be required of either Supreme or Mr. Owens in order to construct the studio facilities now proposed by Supreme. Consequently, the matter presented by the

pleadings and the related record proceedings raised questions concerning a partial inquiry into the finances of Supreme to the extent permitted in the orders of designation and pursuant to the Commission's policy and practices enunciated in and emanating from its Memorandum Opinion and Order in South Central Broadcasting Corporation, 9 RR 1035.

9. A basic premise is that the Commission's ex parte finding that the funds called for in the Supreme application will in fact be available (9 RR 1039), is not assailable or subject to question in this proceeding because only the Commission, not the Hearing Examiner, may enlarge the issues to permit such an inquiry. Hence, the outer limit of the Hearing Examiner's authority is to permit, by adding the issue hereinabove set out, an inquiry to determine whether the available funds are sufficient "to effectuate all of the proposals contained in the application", recognizing that the Commission's ex parte finding constitutes a prima facie affirmative determination of this question.

10. It is noted that the Court of Appeals in WLOX Broadcasting Company v. FCC, et al., No. 14,106, decided September 18, 1958, did not recognize the "Evansville issue" distinction hereinabove pointed out; instead, the court—examining a question that was not raised or briefed by any party—construed the Commission's provision for adding the permissive issue to be an evidence of "some hesitation" about the ex parte finding that an applicant was financially qualified. The court's decision in WLOX is not construed to change the Commission's rules (section 0.231 (g)) which withhold from the Hearing Examiner authority to enlarge the hearing issues; nor does the court's opinion broaden the Hearing Examiner's authority which is carefully limited by the rule and the orders of designation and in the manner hereinabove described. For the reasons here indicated, it is not permissible, and the petitioners do not here seek, to open an inquiry in this proceeding concerning the availability to either Supreme or to Mr. Owens of such additional funds, above \$140,000, as might be required by or for either of them in order to finance the transmitter and studio facilities construction program as discussed in the hearing proceedings. Hence, the adequacy of the resources of Mr. Owens, as well as factors that might tend to weaken or strengthen his evident financial status, are not matters available for inquiry under the issues as stated or as they are enlarged by the ruling made on the record and by the order hereinbelow set out.

11. It has been indicated above that some uncertainty surrounds the studio facilities plans of Supreme. To illustrate: The Cleveland Avenue property is held by Supreme under a lease which does not permit construction as described by Supreme's witnesses; and the extent of construction to be carried out, whether the addition of one story or the erection of a new building, is not clearly defined, and consequently the cost to Supreme of such construction is not assuredly de-

fined. It is recognized that the testimony for Supreme suggests the existence of a plan for leasing of the reconstructed premises at a virtually nominal cost to Supreme, but it is not clear either that the plan was in existence prior to the commencement of the hearing or that the plan is firm, or that Supreme and Mr. Owens and the owner of the real estate or any of them have made commitments to assure the carrying out of the studio facilities construction program as discussed in the evidence. Under these circumstances, the Hearing Examiner is persuaded that he should exercise his discretionary authority to add the permissive financial qualifications issue. It appears appropriate to provide that this order shall become effective for appeal purposes upon the date of its release, and accordingly a provision to that effect is included.

It is ordered, This 3d day of November 1958, pursuant to and confirming the ruling made on the hearing record on October 27, 1958, that the petition to add permissive financial issue filed September 16, 1958 on behalf of Coastal Television Company and Oklahoma Television Corporation be and it is hereby granted.

It is further ordered, That the issues for hearing in this proceeding be and they are hereby enlarged so as to renumber Issue 3 as Issue 4 and to include as Issue 3:

3. To determine whether the funds available to Supreme Broadcasting Company, Inc. will give reasonable assurance that the proposal set forth in the application will be effectuated.

It is further ordered, That for appeal purposes the effective date of this order shall be the release date set out below.

Released: November 3, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[P. R. Doc. 58-9284; Filed, Nov. 6, 1958;
8:48 a. m.]

[Docket Nos. 12451, 12452; FCC 58M-1231]

UNICOI BROADCASTING CO. (WEMB) AND
MACE, GROVES AND MACE

ORDER SCHEDULING HEARING

In re applications of Max M. Blake-more, tr/as Unicoi Broadcasting Company (WEMB), Erwin, Tennessee, Docket No. 12451, File No. BP-11216; Earl O. Mace, A. Clay Groves and Glen F. Mace, d/b as Mace, Groves and Mace, South Gastonia, North Carolina, Docket No. 12452, File No. BP-11653; for construction permits.

Pursuant to agreement of counsel arrived at during the further prehearing conference held on this date: It is ordered, This 3d day of November 1958, that the hearing in the above-styled proceeding, previously continued without date, will commence on December 18, 1958, at 10 o'clock a. m., in Washington, D. C.; the engineering exhibits will be exchanged on December 1 and the non-engineering exhibits on December 12;

and on or before December 8, the parties will advise other counsel what engineering witnesses, if any, are wanted for cross-examination.

Released: November 4, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[P. R. Doc. 58-9285; Filed, Nov. 6, 1958;
8:48 a. m.]

[Docket No. 12533; FCC 58M-1223]

PAUL A. BRANDT

ORDER CONTINUING HEARING

In re application of Paul A. Brandt, Gladwin, Michigan, Docket No. 12533, File No. BP-11361; for construction permit.

The Hearing Examiner having under consideration a conflict in hearing dates:

It is ordered, This 31st day of October 1958, on the Examiner's own motion that the hearing now scheduled for November 24, 1958, is continued to January 5, 1959.

Released: November 3, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[P. R. Doc. 58-9286; Filed, Nov. 6, 1958;
8:48 a. m.]

[Docket No. 12586 etc.; FCC 58M-1230]

M. V. W. RADIO CORP. ET AL.

ORDER CONTINUING HEARING

In re applications of M. V. W. Radio Corporation, San Fernando, California, Docket No. 12586, File No. BP-10888; KGB, Incorporated (KGB), San Diego, California, Docket No. 12587, File No. BP-11103; Robert S. Marshall, Newhall, California, Docket No. 12588, File No. BP-11705; William H. Wilson and Shirley Ann Wilson, d/b as WILSON BROADCASTING COMPANY, Oxnard, California, Docket No. 12589, File No. BP-11911; for construction permits.

On the Examiner's own motion: It is ordered, this 3d day of November, 1958, that hearing in the above-entitled matter is continued from the presently scheduled date, November 4, 1958, to a date to be determined at a pre-hearing conference which will be held at 10:00 a. m. on November 4, 1958.

Released: November 3, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[P. R. Doc. 58-9287; Filed, Nov. 6, 1958;
8:48 a. m.]

[Docket No. 12599; FCC 58M-1232]

BEACON BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Beacon Broadcasting Corporation, Salisbury, Mary-

land, Docket No. 12599, File No. BP-11470; for construction permit.

The Hearing Examiner having under consideration a petition, filed by WLLY, Inc., on October 23, 1958, requesting leave to file late appearance; opposition thereto filed by Wicomco Broadcasting Company on October 27, 1958; and oral argument thereon heard on November 3, 1958;

It appearing that good cause has been shown justifying a grant of the petition for the reasons stated by the Hearing Examiner at the oral argument, the transcript of which is incorporated herein by reference;

It further appearing that all participating parties have agreed to a continuance of the hearing herein;

It is ordered, This 3d day of November 1958, that the petition is granted, and the appearance of WLLY, Inc., herein is accepted;

It is further ordered, Pursuant to agreement of the parties that the hearing herein, presently scheduled for November 13, 1958, is continued until December 17, 1958, at 10:00 a. m.

Released: November 4, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[P. R. Doc. 58-9288; Filed, Nov. 6, 1958;
8:48 a. m.]

[Docket No. 12646; FCC 58-1021]

SUPREME BROADCASTING CO., INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Supreme Broadcasting Company, Inc. (KK2XFW), Channel 12, New Orleans, Louisiana, Docket No. 12646, File No. BMPEX-49, for modification of construction permit (BPEX-144) for an experimental television broadcast station; in re experimental television license of Supreme Broadcasting Company, Inc. (KK2XFW) Channel 12, New Orleans, Louisiana, File No. BLEX-76.

1. On June 27, 1957, the Commission granted without hearing, and over objections filed by Capitol Broadcasting Company (Capitol), licensee of Television Station WJTV, Channel 12, Jackson, Mississippi an application filed by Supreme Broadcasting Company, Inc. (Supreme), permittee of Television Station WJMR-TV, Channel 20, New Orleans, Louisiana, for authority to construct an experimental television broadcast station to operate on Channel 12 at New Orleans, with its transmitter and antenna located approximately 162 miles from the transmitter and antenna of Station WJTV, Jackson, and utilizing a directional antenna with effective radiated power (ERP) of 40 kw (peak) visual and 20 kw (peak) aural in the direction of Station WJTV, Jackson. On September 30, 1957, the Commission, again without hearing and over Capitol's objections, modified its authorization to reduce ERP in the direction of Station

WJTV, Jackson, to a value not to exceed 30 kw (peak) visual and 15 kw (peak) aural, and to make certain other changes, and issued program test authority to Supreme. Capitol appealed from the Commission's action to the United States Court of Appeals for the District of Columbia Circuit (*Capitol Broadcasting Company v. Federal Communications Commission*, Case Nos. 14,034 and 14,162). On April 1, 1958, while the above cases were pending before the Court, the Commission issued a license to Supreme to cover the modified construction permit, subject to the condition that such action was "without prejudice to whatever action the Commission may be required to take as a result of decisions by the United States Court of Appeals for the District of Columbia Circuit in *Capitol Broadcasting Company v. Federal Communications Commission* (Case Nos. 14,034 and 14,162)."

2. On May 22, 1958, the Court of Appeals announced its opinion in the above cases, reversing the Commission on the basis of its determination that a hearing was required on the threshold question as to whether or not the application of Supreme was in fact for a bona fide experimental station in view of the allegations to the contrary which had been made by opposing parties. In reversing the Commission, the Court's opinion did not state one way or the other as to whether the Commission was authorized, should we determine it to be appropriate, to continue the experimental operation in effect pending the hearing ordered by the Court.

3. Both the Commission and Supreme filed petitions for rehearing in the Court of Appeals. We requested that the Court, if it reaffirmed its decision calling for a hearing, clarify its opinion with respect to whether the Commission would be authorized to exercise its discretion as to whether to keep Supreme's experimental operation in effect pending such hearing. The Court of Appeals, however, in brief per curiam orders dated September 12, 1958, denied both petitions for rehearing or clarification, and on September 25, 1958, the Court ordered the Clerk to transmit certified copies of the opinion and judgment of the Court to the Commission forthwith. Accordingly, the matter is now before the Commission for appropriate action.

4. On October 3, 1958, Capitol, by its attorneys, requested the Commission promptly to issue an order "in compliance with the long-delayed mandate of the Court of Appeals," directing Supreme to cease operation of its experimental television station KK2XFW pending the hearing ordered by the Court.

5. On October 7, 1958, Supreme, by its attorneys, submitted a response to Capitol's request. Supreme contends therein that Capitol's request is based upon an erroneous view of the Court's decision, and that the action requested by Capitol is neither required nor warranted. Supreme argues that the Commission has discretion as to whether Station KK2XFW should be permitted to continue its operation; that the denial by the Court of rehearing and refusal to

clarify its opinion in no way alters that discretion; and that Supreme's position on the question finds further support in section 309 (c) of the Communications Act, which allows the Commission discretion to keep a grant in full force even though a hearing may be required on a protest. Supreme urges that the Commission should exercise its discretion to permit the continued development of important experimental data, and cites statements by various persons and organizations in support of its contentions concerning the importance of the experimentation. Supreme also points out that the Commission has received one report prepared by its consulting engineers, and that additional reports are in preparation.¹

6. Supreme has also submitted an affidavit by its consulting engineers in which it is stressed that the experimental program involves seasonal effects and questions of stability, and can only be valid and represent a contribution to propagation and equipment knowledge if carried to its logical conclusion; and that its continuation beyond the nine month period which has already elapsed, through the fourth quarter, is of "general importance" to TASO, the industry and the Commission in order to provide complete data which would, in turn, permit sound conclusions to be drawn. Supreme urges that, in view of the foregoing, and since Capitol has not even alleged actual injury despite the fact that Station KK2XFW has been in operation over a year, the request of Capitol should be denied; and that the Commission should make a finding that the public interest requires the continued operation of Station KK2XFW as presently authorized. Supreme requests oral argument on the questions presented in the event the Commission is not prepared to take the foregoing actions.

7. The basic question posed by the decisions of the Court of Appeals and the pleadings related above is whether the Commission must terminate Supreme's experimental authorization forthwith, or whether the Commission has further discretion in the matter. Inasmuch as the Court has failed to direct itself to this problem in any opinion or order in this case, the answer to this question must be derived from existing law rather than from any action of the Court in this particular case. The fact that the Court failed to grant or discuss our requests for clarification on this point does not compel the conclusion that the Court by its silence was holding that we have no further discretion in the matter. This is particularly true since neither Supreme's nor our petition for rehearing suggested that in the absence of clarification, a negative answer to the question of the Commission's continuing discretion would necessarily follow.

8. We believe that ample precedent exists for a finding that reversal and remand by the Court of Appeals does not require termination of the outstanding authorization pending the further

Commission proceedings. In every case in which the Court of Appeals has reversed the Commission and remanded the case for further proceedings, both in comparative and non-comparative situations, where the licensee or permittee was on the air, it has been allowed to remain on the air pending such further proceedings. Furthermore, the Commission in the case of *Biscayne Television Corp. et al.* (Memorandum Opinion and Order of June 20, 1957) 22 F. C. C. Rep. 1470, held specifically that the Court's mandate in *Sunbeam Television Corp. v. Federal Communications Commission*, 100 U. S. App. D. C. 82, 243 F. 2d 26, in which the Commission was reversed and the case remanded did not require termination of the outstanding authorization pending further Commission proceedings. In view of these precedents, we believe that we retain discretion in the matter which we should exercise with a view toward meeting our obligations to the public interest. We are reinforced in this view by the fact that Capitol would not be injured in any way by continuation of the experimental operation, since it has not even alleged actual interference to its own operation on Channel 12. Therefore, we think it appropriate under the circumstances to exercise our discretion in determining whether the public interest would be served by a continuation of the experimental operation.

9. As pointed out by Supreme, propagation characteristics of VHF and UHF transmissions vary from season to season, and measurement data concerning this phenomenon will be of particular value to the Commission if made available on the basis of a complete annual cycle. Inasmuch as Supreme has already submitted reports to the Commission on its experimentation for the period from January through March, 1958, and for the period of April through September, 1958, the objective of a complete annual cycle can be accomplished by allowing Supreme to continue its experimental operation through the remainder of 1958. We believe that this objective is of sufficient importance to the public interest to warrant continuance of Supreme's experimental authorization until January 1, 1959. It should be emphasized that this conclusion is based not only on our determination that continued operation of Station KK2XFW for a limited period will serve the public interest, but also on our finding that it will no wise adversely affect the interests of Capitol.² Supreme's license does not expire until April 1, 1959. However, we are not authorizing experimental operation beyond January 1, 1959, although further experimentation with directional antennas might be useful to both the Commission and the industry, because we feel that the purposes for which the experimental authorization was issued will have been accomplished by that date, and that, in the light of the Court's decision, we would not be justified in the

¹ As hereinafter noted, Supreme has now filed a second report.

² Should Capitol hereinafter allege actual interference to the operation of Station WJTV, we would, of course, immediately reconsider our decision herein.

exercise of our discretion if we kept Supreme on the air pending the hearing for a period longer than that essential to accomplish the purposes of the experimental authorization.

10. In accordance with the provisions of section 402 (h) of the Communications Act, we are giving effect to the judgment of the Court of Appeals forthwith by designating hereinafter the application of Supreme for evidentiary hearing to determine whether or not such application was for a bona fide experimental operation. We believe, however, that such a hearing can proceed without regard to whether or not Supreme's present experimental operation is continued for a limited period of time pending such hearing. Capitol's request that Supreme cease operation of its experimental television station pending hearing will be denied to the extent hereinbefore indicated. Supreme's request for oral argument will also be denied, the positions of the parties having been fully presented by the pleadings filed.

In view of the foregoing: *It is ordered*, That Capitol Broadcasting Company's request that the Commission direct Supreme Broadcasting Company, Inc., to cease operation immediately of its experimental television station is denied.

It is further ordered, That the experimental television license (BLEX-76) of Supreme Broadcasting Company, Inc., is hereby cancelled effective January 1, 1959, and that the request of Supreme for oral argument is denied.

It is further ordered, That the above-captioned application of Supreme Broadcasting Company, Inc., is designated for evidentiary hearing at a time and place to be specified by subsequent order on the following issues:

- (1) To determine whether the above-captioned application (BMPEX-49) is for a bona fide experimental operation.
- (2) To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That Capitol Broadcasting Company is hereby made a party to the proceedings herein.

It is further ordered, That to avail themselves of the opportunity to be heard, Supreme Broadcasting Company, Inc., and Capitol Broadcasting Company, pursuant to § 1.140 (c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Adopted: October 29, 1958.

Released: November 3, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-9290; Filed, Nov. 6, 1958;
8:49 a. m.]

[Docket Nos. 12602, 12603; FCC 58M-1227]

KANKAKEE DAILY JOURNAL CO. (WKAN)
AND WILLIAM F. HUFFMAN RADIO, INC.
(WFHR)

ORDER SCHEDULING FURTHER PREHEARING CONFERENCE

In re applications of Kankakee Daily Journal Company (WKAN), Kankakee, Illinois, Docket No. 12602, File No. BP-11287; William F. Huffman Radio, Inc. (WFHR), Wisconsin Rapids, Wisconsin, Docket No. 12603, File No. BP-11986; for construction permits.

With the unanimous consent of all the parties to this proceeding: *It is ordered*, This 31st day of October 1958, that the hearing in the above-entitled matter heretofore scheduled to be held on November 20, 1958, is postponed indefinitely; and

It is further ordered, That a further prehearing conference is hereby scheduled to commence at 9:00 a. m., November 25, 1958, in the Commission's offices in Washington, D. C.

Released: November 3, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-9289; Filed, Nov. 6, 1958;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1183]

NEW YORK DOCK CO. AND DUNHILL
INTERNATIONAL, INC.

NOTICE OF AND ORDER FOR HEARING ON APPLICATION

OCTOBER 31, 1958.

Notice is hereby given that New York Dock Company ("Dock"), registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified management investment company, has filed an application pursuant to section 17 (b) of the Act for an order of the Commission exempting from the provisions of section 17 (a) of the Act certain transactions incident to a merger of Dock with and into Dunhill International, Inc. ("Dunhill") as hereinafter set forth.

As a result of said merger, Dunhill will continue in existence as the surviving corporation under its present name. The respective Boards of Directors of both companies have taken the steps required by applicable statutes to approve the proposed merger and it will be submitted for approval to the stockholders of each of said companies. New York statutes afford certain rights to shareholders of Dock objecting to the merger, upon compliance with certain statutory formalities, to require the appraisal of their shares and the payment of the appraised value in cash.

Dock is a corporation organized under the laws of New York in 1901. From its inception Dock was primarily engaged in the marine terminal business and through its wholly owned subsidiary, New York Dock Railway, in the freight terminal business; it also owned and

operated substantial industrial real estate properties. In March of 1956, Dock discontinued substantially all of its marine terminal business and disposed of some of its industrial real estate. In June 1958, it disposed of substantial portions of its then remaining real estate, retaining one parcel of wharf property, a few parcels of improved and unimproved land leased to and used by New York Dock Railway, and five small parcels of other commercial property. In 1956, Dock commenced to increase its holdings in investment securities and by April 1958 Dock had reached the point where it deemed itself to be in the business of operating an investment company and registered as such under the Act. As of June 30, 1958, the market value of Dock's securities portfolio was \$10,207,978. In this portfolio, there were 38,100 shares of Dunhill's common stock, or 12.56 percent of that company's outstanding shares. As of June 30, 1958, Dock's investment in its wholly owned subsidiary was carried on its balance sheet at \$1,444,127, and its remaining investments in real estate at \$1,891,441.

Dunhill is a Delaware corporation chartered in 1923. Through its wholly owned subsidiaries, Dunhill is engaged in the sale, at retail and wholesale, of tobacco, tobacco products and accessories, pipes, gift items, cosmetics, toiletries and other merchandise. The retail division operates four retail tobacco stores throughout the country and is in the process of constructing a fifth store. The wholesale division sells Dunhill merchandise nationally to jobbers and retailers. In addition, a substantial portion of the assets of Dunhill and its subsidiaries consists of investment securities. The market value of these investments, as of June 30, 1958, equaled \$2,217,107, or approximately 68 percent of Dunhill's total assets.

The record date for voting on the merger is October 10, 1958. On that date, Dock had outstanding 70,000 shares of common stock and 31,800 shares of participating preferred stock and Dunhill had outstanding 300,000 shares of common stock. The Dock preferred stock votes equally with the common stock and is entitled to non-cumulative dividends to the extent of \$5.00 per share out of the net earnings of each fiscal year before any dividends for such year shall be paid on the common stock. In any year in which dividends of \$5.00 per share have been declared on both common and preferred stock, all shares of stock, whether preferred or common, participate equally in any further dividends for such year. The preferred stock has no preference over the common stock in the event of dissolution or distribution of the assets of the Company.

Under the merger terms, the presently outstanding shares of Dock will be converted into shares of Dunhill on the basis of 10 shares of Dunhill for each preferred share of Dock, and eight shares of Dunhill for each common share of Dock. Dunhill shareholders would continue to hold their shares. Assuming 100 percent exchange by the Dock stockholders, the surviving corporation would have 1,135,248 shares of common stock

outstanding upon consummation of the merger.

If the merger is effected, Dock proposes to file an application with the Commission pursuant to section 8 (f) of the Act seeking an order declaring that it has ceased to be an investment company. The surviving corporation proposes to file an application under section 3 (b) (2) of the Act for an order declaring that it is primarily engaged in businesses other than that of an investment company. If such application is not granted, the surviving corporation, after exhausting available procedures, would register under the Act.

Since Dock is the owner of more than 5 percent of the outstanding stock of Dunhill, these companies are affiliated persons of each other under section 2 (a) (3) of the act. Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company or any affiliated person of such a person, from selling to, or purchasing from such registered investment company, any securities or property, subject to certain exceptions not here pertinent. The Commission, upon application pursuant to section 17 (b), may grant an exemption from the provisions of section 17 (a) if it finds that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transactions are consistent with the policy of any registered investment company concerned, as recited in its registration statement and reports filed under the Act, and are consistent with the general purposes of the Act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 25th day of November, 1958 at 10 a. m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That James G. Ewell, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing

officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transactions are consistent with the policies of Dock, as recited in its registration statement and reports filed pursuant to the act;

(3) Whether the proposed transactions are consistent with the general purposes of the act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to New York Dock Company and Dunhill International, Inc. and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

It is further ordered, That New York Dock Company, shall give notice of this hearing to all its stockholders and to the stockholders of Dunhill International, Inc. (who were stockholders as of October 10, 1958, and insofar as the identity of such stockholders is known or is available) by mailing to each of said persons a copy of this notice and order to his last known address at least 14 days prior to the date set for said hearing.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-9275; Filed, Nov. 6, 1958;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-16613 etc.]

MURPHY CORP. ET AL.

ORDER FOR HEARINGS AND SUSPENDING
PROPOSED CHANGES IN RATES

OCTOBER 30, 1958.

In the matters of Murphy Corporation et al., Docket No. G-16613; Murphy Corporation, Docket No. G-16614; Ralph R. Gilster et al., Docket No. G-16619; Magnolia Petroleum Company, Docket No. G-16620; Sun Oil Company, Docket No. G-16621; Sun Oil Company (Operator), et al., Docket No. G-16622; W. C. McBride, Inc., Docket No. G-16623; Phillips Petroleum Company, Docket No. G-16625; Tidewater Oil Company (Operator), et al., Docket No. G-16626; Tidewater Oil Company, Docket No. G-16627; Pan American Petroleum Corporation

(Operator), et al., Docket No. G-16628; Sinclair Oil & Gas Company et al., Docket No. G-16630; Plymouth Oil Company, Docket No. G-16631; Sinclair Oil & Gas Company (Operator), et al., Docket No. G-16632; Sinclair Oil & Gas Company (Operator), Docket No. G-16633; Sohio Petroleum Company, Docket No. G-16634; Texaco Seaboard, Inc., Docket No. G-16635; The Texas Company, Docket No. G-16636; The Texas Company (Operator), et al., Docket No. G-16637; Tom Cook, Jr. (Operator), et al., Docket No. G-16638; Hunt Oil Company, Docket No. G-16639; Southwest Gas Producing Company, Inc., et al., Docket No. G-16640; Hassie Hunt Trust, Docket No. G-16641; H. L. Hunt, Docket No. G-16642; William Herbert Hunt Trust Estate, Docket No. G-16643; Hunt Oil Company (Operator), et al., Docket No. G-16644; Hurley Oil and Gas Company, Docket No. G-16645; Midwest Oil Corporation, Docket No. G-16646; The Atlantic Refining Company (Operator), et al., Docket No. G-16647; The Atlantic Refining Company, Docket No. G-16648; Sunray Mid-Continent Oil Company, Docket No. G-16649; Midstates Oil Corporation, Docket No. G-16650; L. L. Robinson, Docket No. G-16651; Citicor Service Oil Company, Docket No. G-16652; Arkansas Fuel Oil Corporation (Operator) et al., Docket No. G-16653; Arkansas Fuel Oil Corporation, Docket No. G-16654; Salt Dome Production Company, Docket No. G-16655; B. B. Orr, Docket No. G-16656; Gulf Oil Corporation, Docket No. G-16658; Gulf Oil Corporation (Operator) et al., Docket No. G-16659; George W. Graham (Operator) et al., Docket No. G-16661; Amerada Petroleum Corporation, Docket No. G-16662; Hiawatha Oil & Gas Company, Docket No. G-16663; Hamilton Dome Oil Company, Ltd. (Operator) et al., Docket No. G-16664; Jack W. Grigsby, Docket No. G-16665; Bert Fields, et al., Docket No. G-16666; George R. Brown, Docket No. G-16667; The California Company (Operator), et al., Docket No. G-16668; Benedum-Trees Oil Company, et al., Docket No. G-16669; Shell Oil Company, Docket No. G-16670; Shell Oil Company (Operator), Docket No. G-16671; The Ohio Oil Company, Docket No. G-16672; Midwest Oil Corporation (Operator), et al., Docket No. G-16673; Hidalgo Gas Production Corporation, Docket No. G-16674; General Crude Oil Company, Docket No. G-16675; Standard Oil Company of Texas, Docket No. G-16676; Pan American Petroleum Corporation (Operator), Docket No. G-16677.

The proposed changes hereinafter designated which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In each filing the purchaser is Texas Eastern Transmission Corporation and the Respondents have proposed November 1, 1958, as the effective date of the changes.¹

¹ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Respondent	Rate schedule No.	Supplement No.	Notice of change dated—	Date tendered	Rates in effect subject to refund Docket No.
1. Murphy Corp., et al.	1	12	Sept. 24, 1958	Sept. 29, 1958	G-15605 (La. tax).
2. Murphy Corp., et al.	2	13	do.	do.	Do.
3. Murphy Corp., et al.	16	8	do.	do.	Do.
4. Murphy Corp.	18	5	do.	do.	G-15603 (La. tax).
5. Murphy Corp.	21	6	do.	do.	G-15569 (La. tax).
6. Ralph R. Gilster, et al.	2	7	Sept. 29, 1958	Sept. 30, 1958	G-16025 (La. tax).
7. Magnolia Petroleum Co.	124	6	(i)	do.	do.
8. Magnolia Petroleum Co.	123	5	(i)	do.	do.
9. Magnolia Petroleum Co.	82	12	(i)	do.	G-15723 (La. tax).
10. Sun Oil Co.	23	10	Sept. 26, 1958	Oct. 1, 1958	G-13316.
11. Sun Oil Co. (Operator), et al.	35	12	do.	do.	G-15632 (La. tax).
12. Sun Oil Co. (Operator), et al.	36	9	do.	do.	Do.
13. W. O. McBride, Inc.	8	6	Sept. 29, 1958	Sept. 30, 1958	Do.
14. Phillips Petroleum Co.	2A	13	Sept. 15, 1958	Sept. 17, 1958	G-13419.
15. Phillips Petroleum Co.	285	5	do.	do.	G-13398.
16. Tidewater Oil Co. (Operator), et al.	57	5	Sept. 18, 1958	Sept. 22, 1958	G-13402.
17. Tidewater Oil Co.	64	3	do.	do.	G-13488.
18. Pan American Petroleum Corp. (Operator), et al.	32	9	do.	do.	G-13607.
19. Pan American Petroleum Corp. (Operator), et al.	150	16	do.	do.	Do.
20. Sinclair Oil & Gas Co., et al.	61	16	Sept. 22, 1958	do.	G-13300.
21. Sinclair Oil & Gas Co., et al.	62	11	do.	do.	Do.
22. Plymouth Oil Co.	10	4	(i)	Sept. 23, 1958	G-15840.
23. Sinclair Oil & Gas Co. (Operator), et al.	63	10	Sept. 22, 1958	Sept. 22, 1958	G-13507.
24. Sinclair Oil & Gas Co. (Operator), et al.	60	9	do.	do.	Do.
25. Sinclair Oil & Gas Co. (Operator)	143	3	do.	do.	G-13535.
26. Sohio Petroleum Co.	11	7	(i)	do.	do.
27. Sohio Petroleum Co.	35	5	(i)	Sept. 29, 1958	G-15688 (La. tax).
28. Texaco Seaboard, Inc.	22	3	(i)	Sept. 23, 1958	G-13390.
29. The Texas Co.	160	2	(i)	do.	do.
30. The Texas Co. (Operator), et al.	176	1	(i)	do.	do.
31. Tom Cook, Jr. (Operator), et al.	2	2	(i)	do.	do.
32. Hunt Oil Co.	35	2	Sept. 22, 1958	Sept. 24, 1958	do.
33. Hunt Oil Co.	38	3	Sept. 24, 1958	Sept. 25, 1958	do.
34. Hunt Oil Co.	32	4	Sept. 26, 1958	Sept. 29, 1958	G-13504.
35. Southwest Gas Producing Co., Inc., et al.	5	6	Sept. 24, 1958	Sept. 25, 1958	G-15693.
36. Southwest Gas Producing Co., Inc., et al.	6	13	do.	do.	Do.
37. H. L. Hunt	4	11	do.	do.	G-15881.
38. H. L. Hunt	4	12	do.	do.	G-13505.
39. H. L. Hunt	7	10	do.	do.	G-15889 (La. tax).
40. William Herbert Hunt Trust Estate	1	7	Sept. 26, 1958	Sept. 29, 1958	G-13506.
41. William Herbert Hunt Trust Estate	7	4	do.	do.	Do.
42. William Herbert Hunt Trust Estate	6	4	do.	do.	Do.
43. Hunt Oil Co. (Operator), et al.	28	6	do.	do.	G-15687 (La. tax).
44. Hurley Oil and Gas Co.	5	4	Sept. 25, 1958	do.	G-15935 (La. tax).
45. Midwest Oil Corp.	9	8	Sept. 26, 1958	do.	G-15841.
46. Midwest Oil Corp.	13	5	do.	do.	G-16243.
47. The Atlantic Refining Co. (Operator), et al.	181	4	Aug. 29, 1958	Sept. 12, 1958	do.
48. The Atlantic Refining Co. (Operator), et al.	136	4	Aug. 28, 1958	Sept. 8, 1958	G-13409.
49. The Atlantic Refining Co. (Operator), et al.	187	2	Sept. 2, 1958	do.	do.
50. The Atlantic Refining Co.	141	11	do.	Sept. 15, 1958	G-13499.
51. The Atlantic Refining Co.	142	18	Sept. 8, 1958	do.	G-13496.
52. The Atlantic Refining Co.	1	8	Aug. 29, 1958	Sept. 8, 1958	G-13499.
53. Sunray Mid-Continent Oil Co.	127	5	Sept. 9, 1958	Sept. 12, 1958	G-15722.
54. Sunray Mid-Continent Oil Co.	126	4	do.	do.	G-15722.
55. Sunray Mid-Continent Oil Co.	122	7	do.	do.	G-15593.
56. Midstates Oil Corp.	52	6	Sept. 11, 1958	do.	G-15649.
57. Midstates Oil Corp.	64	4	Sept. 12, 1958	Sept. 15, 1958	G-15808.
58. Midstates Oil Corp.	63	4	do.	do.	G-15736.
59. Midstates Oil Corp.	4	14	Aug. 28, 1958	Aug. 29, 1958	G-15649.
60. L. L. Robinson	2	4	Sept. 13, 1958	Sept. 15, 1958	G-15782.
61. Cities Service Oil Co.	103	5	Sept. 12, 1958	do.	G-13715.
62. Cities Service Oil Co.	2	9	do.	do.	G-13376.
63. Arkansas Fuel Oil Corp. (Operator), et al.	48	8	Sept. 15, 1958	Sept. 17, 1958	G-15647.
64. Arkansas Fuel Oil Corp. (Operator), et al.	50	8	do.	do.	G-13502.
65. Arkansas Fuel Oil Corp. (Operator), et al.	53	6	do.	do.	G-13404.
66. Arkansas Fuel Oil Corp.	14	9	do.	do.	G-13503.
67. Arkansas Fuel Oil Corp.	54	5	do.	do.	G-13377.
68. Arkansas Fuel Oil Corp.	55	5	do.	do.	G-13377.
69. Arkansas Fuel Oil Corp.	56	5	do.	do.	G-13377.
70. Arkansas Fuel Oil Corp.	52	5	do.	do.	G-13377.
71. Salt Dome Production Co.	3	14	(i)	Sept. 19, 1958	G-13369.
72. B. B. Orr	1	8	Sept. 16, 1958	do.	G-13512.
73. Gulf Oil Corp.	27	12	Sept. 26, 1958	do.	G-13498.
74. Gulf Oil Corp. (Operator), et al.	67	3	do.	do.	G-13494.
75. Gulf Oil Corp. (Operator), et al.	132	4	do.	do.	do.
76. Pan American Petroleum Corp. (Operator), et al.	8	18	Sept. 3, 1958	Sept. 9, 1958	G-13118.
77. George W. Graham (Operator), et al.	4	7	(i)	Sept. 11, 1958	do.
78. Amerada Petroleum Corp.	53	7	Sept. 4, 1958	do.	G-13401.
79. Hinawatha Oil & Gas Co.	6	4	Sept. 24, 1958	Sept. 29, 1958	G-15838 (La. tax).
80. Hamilton Dome Oil Co., Ltd., (Operator), et al.	1	11	Sept. 25, 1958	Sept. 30, 1958	G-13606.
81. Jack W. Grigsby	4	3	Sept. 29, 1958	do.	G-15930 (La. tax).
82. Bert Fields, et al.	8	4	Sept. 24, 1958	Sept. 29, 1958	G-13845 (La. tax).
83. Bert Fields, et al.	9	5	do.	do.	G-13403.
84. George R. Brown	3	2	(i)	do.	do.
85. The California Co. (Operator), et al.	1	22	Sept. 25, 1958	do.	G-15836 (La. tax).
86. Benedictum-Trees Oil Co., et al.	10	2	(i)	do.	do.
87. Shell Oil Co.	1	9	Sept. 29, 1958	Sept. 30, 1958	G-13397.
88. Shell Oil Co. (Operator)	19	19	do.	do.	G-14671.
89. The Ohio Oil Co.	28	5	Sept. 23, 1958	Sept. 29, 1958	G-15607 (La. tax).
90. The Ohio Oil Co.	29	6	do.	do.	Do.
91. Midwest Oil Corp. (Operator), et al.	11	7	Sept. 26, 1958	Sept. 29, 1958	G-15842 (La. tax).
92. Hidalgo Gas Production Corp.	2	2	Sept. 24, 1958	Sept. 25, 1958	do.
93. Hidalgo Gas Production Corp.	2	2	do.	do.	do.
94. General Crude Oil Co.	2	8	Sept. 25, 1958	Sept. 29, 1958	G-13941.
95. Standard Oil Co. of Texas	2	10	(i)	do.	G-14072.
96. Standard Oil Co. of Texas	27	2	(i)	do.	G-13905.

1 Unaudited.

The support for the increases offered by the Respondents in general consists of general statements to the effect that the increased price is provided for by the contract, is just and reasonable, the pricing arrangements are common in long term contracts and the increases are similar to or below prices for similar gas in the same general area. In addition Pan American Petroleum Corporation states that an appropriate standard for judging the fairness and justness of the price being charged for gas is the market price currently negotiated in contracts in the same area and in this connection it refers to the testimony of Dr. J. Rhoads Foster of January 7, 1958, in Docket No. G-9211. Phillips Petroleum Company additionally states that such increases will not result in excessive returns and to illustrate the allegation refers to Exhibit Nos. 282, 284, 289 and 291 presented by Phillips in the hearing held in Docket No. G-1148. Salt Dome Production Company additionally gives information regarding the rise in wages and prices for materials and equipment needed to develop the Provident City Gas Field since the inception of its contract and states that such field must be developed to maintain an adequate supply of gas at reasonable rates to consumers. B. B. Orr further states that his wells have depleted to the extent where compression equipment and dehydration equipment have been installed to deliver gas to buyer's line at contract pressure. Gulf Oil Corporation additionally in support of the increase under Rate Schedule No. 18 states that the Commission has permitted a number of changes in rate to a higher price in the same general area to become effective and submits a tabulation to support this statement.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, each of said supplements be and it is hereby suspended and the use thereof deferred until April 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) None of the several supplements hereby suspended, nor the rate schedule

sought to be altered thereby, shall be changed until the relevant proceeding has been disposed of or until the applicable period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 or 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9211; Filed, Nov. 6, 1958;
8:45 a. m.]

[Docket No. G-14871 etc.]

TRANSWESTERN PIPELINE CO. ET AL.

NOTICE OF APPLICATIONS, CONSOLIDATION OF PROCEEDINGS, ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

OCTOBER 31, 1958.

In the matters of Transwestern Pipeline Company, Docket No. G-14871; Gulf Oil Corporation, Docket No. G-14925; Gulf Oil Corporation, Docket No. G-14940; Gulf Oil Corporation, Docket No. G-14950; Pure Oil Company, Docket No. G-14950; Pure Oil Company, Docket No. G-15040; Monsanto Chemical Company, Docket No. G-15318; Pan American Petroleum Corp., Docket No. G-15389; Humble Oil Refining Co., Docket No. G-15714; Sun Oil Company, Docket No. G-15791; Union Oil Company of California, Docket No. G-15810; Warren Petroleum Company, Docket No. G-16030; Warren Petroleum Company, Docket No. G-16031; British American Oil Producing Company, Docket No. G-16091; British American Oil Producing Company, Docket No. G-16093; British American Oil Producing Company, Docket No. G-16103; Curtis R. Inman, Docket No. G-16106; Richardson & Bass, et al., Docket No. G-16137; Gulf Oil Corporation, Docket No. G-16139; Gulf Oil Corporation, Docket No. G-16141; G. H. Vaughn, Jr., et al., Docket No. G-16195; Cities Service Gas Company, Docket No. G-16216; Gulf Oil Corporation, Docket No. G-16218; Superior Oil Company, Docket No. G-16261; Magnolia Petroleum Co., Docket No. G-16367; Magnolia Petroleum Co., Docket No. G-16432; Hunt Oil Company, Docket No. G-16445.

Transwestern Pipeline Company (Transwestern) filed an application on April 15, 1958, as amended on July 21, 1958, and supplemented on September 2, 1958, for a certificate of public convenience and necessity to construct and operate a new pipeline extending from West Texas to the Arizona-California state line. At this point, Transwestern proposes to deliver and sell up to 350,000 Mcf per day to the Pacific Lighting Gas Supply Company (Pacific) for resale through its affiliates in southern California.¹

The Transwestern proposal encompasses the construction of 1,809 miles of

varying diameter pipelines and the installation of 40,940 horsepower in eight stations. In the main, the proposal provides for the construction of two large diameter (20-inch and 24-inch), lateral lines ranging from 250 to 325 miles in length, extending from the vicinity of the Hugoton Field in the Texas Panhandle and from the Puckett area of the Permian Basin to Roswell, New Mexico. Supply lines from 4-inch to 16-inch in diameter will be constructed from the lateral lines to various field sources. From Roswell, a 670 mile 30-inch pipeline will be constructed terminating at a point near Topock, Arizona which lies adjacent to the Arizona-California state line. The project as planned and developed contemplates only the sale of gas to Pacific for resale in the Southern California area.

Pacific will construct 128 miles of 34-inch pipeline from Topock, Arizona to

Newberry, California and a 6,000 horsepower compressor station to transport the gas purchased to its market areas.

The total cost of the project is estimated at \$189,798,000. Transwestern proposes to raise \$191,700,000 through the sale of the following securities:

		Percent
Bonds.....	\$142,000,000	74
Interim notes.....	20,000,000	11
Common stock.....	29,700,000	15
	\$191,700,000	100

The respective applicants listed in the table below filed applications on the dates shown for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas to Transwestern purchased in the fields list opposite the name of each.

Docket No.	Applicant	Source, county and State	Date filed
G-14925	Gulf Oil Corp.	Block 27, McKee Gas Field, Crane, Tex.	Apr. 21, 1958
G-14940	do	Puckett-Ellenburger Fields, Pecos, Tex.	Do.
G-14950	do	Worham Field, Reeves, Tex.	Do.
G-15040	The Pure Oil Co.	Worham Area, Reeves, Tex.	May 3, 1958
G-15318	Monsanto Chemical Co.	Worham Field, Reeves, Tex.	June 18, 1958
G-15389	Pan American Petroleum Corp.	Crawar Field, Crane & Ward, Tex.	June 30, 1958
G-15791	Sun Oil Co.	Feldman Field, Hemphill, Tex.; John Creek Field, Hutchinson, Tex.; Lipscomb, Kiowa Fields, Lipscomb, Tex.; Wells E. Hooker Field, Lipscomb, Tex.; Mammoth Creek Field, Lipscomb, Tex.; Feldman Field, Lipscomb, Tex.; Turner, Parnell Fields, Ochiltree, Tex.; Pechiroda, Farns, Ochiltree, Tex.; Worth Field, Ochiltree, Tex.; Parsell Field, Roberts, Tex.	July 20, 1958
G-16714	Humble Oil & Refining Co.	Parsell Field, Roberts, Tex.	July 20, 1958
G-15810	Union Oil Co. of California	Crawford Field, Eddy, N. Mex.	Aug. 1, 1958
G-16030	Warren Petroleum Corp.	Sitter Gasoline Plant, Wheeler, Tex.	Aug. 18, 1958
G-16031	do	Monument Gasoline Plant, Lea, N. Mex.	Do.
G-16091	The British-American Oil Producing Co.	Panhandle Area, Lipscomb, Tex.; Hemphill, Tex.; Ochiltree, Tex.; Hansford, Tex.	Aug. 19, 1958
G-16093	do	Panhandle Area, Harper, Beaver, Woodward, Ellis, Okla.	Do.
G-16103	do	Crawar Field, Ward & Crane, Tex.	Aug. 21, 1958
G-16106	Curtis R. Inman	Worham Field, Reeves, Tex.	Aug. 22, 1958
G-16137	Richardson & Bass, et al.	West Texas Area, Winkler, Crane, Ward, Reeves, Tex.; Lea Co., N. Mex.	Aug. 25, 1958
G-16139	Gulf Oil Corp.	Panhandle Area, Dallam, Hartley, Sherman, Hansford, Ochiltree, Lipscomb, Hemphill, Roberts, Tex.	Do.
G-16141	Gulf Oil Corp.	Puckett-Devonian Fields, Pecos, Tex.	Do.
G-16195	G. H. Vaughn, Jr., et al.	Wolf Creek Unit Area, Ellis, Okla.	Sept. 2, 1958
G-16216	Cities Service Gas Co.	Hugoton Field, Okla.	Sept. 3, 1958
G-16218	Gulf Oil Corp.	Panhandle Area, Cimarron, Tex.; Beaver, Harper, Woodward, Ellis, Okla.	Do.
G-16261	The Superior Oil Co.	Wolf Creek Area, Lipscomb, Tex.	Do.
G-16367	Magnolia Petroleum Co.	Feldman, Lipscomb, Tex.; Tonkawa, Hemphill, Tex.	Sept. 10, 1958
G-16432	do	Wolf Creek Unit, Ellis, Okla.	Do.
G-16445	Hunt Oil Co.	Four Corners Area, Rio Arriba, N. Mex.; San Deval, N. Mex.	Sept. 25, 1958
		Shattuck Area, Ellis, Okla.	Sept. 28, 1958

These related matters should be consolidated and it is appropriate in carrying out the provisions of the Natural Gas Act and in the public interest that the procedure hereinafter prescribed should be followed so that the hearing thereon may be conducted with reasonable dispatch and said hearing to commence as hereinafter ordered.

The Commission orders:

(A) The above entitled proceedings be and the same hereby are consolidated for the purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 15, 1958, at 10 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the

matters involved in and the issues presented by such applications.

(C) The procedure at the hearing shall be as follows: Transwestern Pipeline Company, Gulf Oil Corporation, Pure Oil Company, Monsanto Chemical Company, Pan American Petroleum Corp., Sun Oil Company, Humble Oil Refining Co., Union Oil Company of California, Warren Petroleum Company, British American Oil Producing Company, Curtis R. Inman, Richardson & Bass, et al., G. H. Vaughn, Jr., et al., Cities Service Gas Company, Superior Oil Company, Magnolia Petroleum Co. and Hunt Oil Company shall go forward in the order named and present their direct evidence as to all matters and issues presented by their applications, and, thereupon, staff counsel and other parties may conduct as much of their cross examination, of a preliminary nature, of the various witnesses as they are

¹ Southern California Gas Company and Southern Counties Gas Company.

prepared to undertake; and thereafter the Presiding Examiner shall recess the hearing until a date to be hereafter fixed by further order of the Commission.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 26, 1958.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9241; Filed, Nov. 6, 1958;
8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 356]

PRESIDENT OF THE VIRGIN ISLANDS
CORPORATION

DELEGATION OF AUTHORITY REGARDING NEGOTIATION OF CONTRACT FOR PROFESSIONAL SERVICES

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the Act, authority is hereby delegated to the President of the Virgin Islands Corporation to negotiate, without advertising, under section 302 (c) (4) of the Act, a contract for the services of an engineer organization in connection with the construction of the salt water distillation facilities in St. Thomas, Virgin Islands.

2. This delegation of authority shall be subject to all provisions of Title III of the Act with respect to negotiated contracts, and to all other provisions of law.

3. The authority herein delegated may be redelegated to any officer or official of the Virgin Islands Corporation.

4. This delegation shall be effective as of the date hereof.

Dated: October 31, 1958.

EDWARD K. MILLS, Jr.,
Acting Administrator.

[F. R. Doc. 58-9270; Filed, Nov. 6, 1958;
8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 4, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35065: *Vegetable cake and meal in western trunk line territory.* Filed by Western Trunk Line Committee (No. A-2024), for interested rail carriers. Rates on vegetable cake or meal, whole pressed cottonseed, and related articles, carloads between points in western trunk line territory and between points in western trunk line and Illinois territories, on

the one hand, and points in southern territory, on the other.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 13 to Western Trunk Lines tariff I. C. C. A-4251 and two other schedules.

FSA No. 35066: *Trailer-on-flat-car service from and to southwest.* Filed by Southwestern Freight Bureau, Agent, (No. B-7406), for interested rail carriers. Rates on various commodities loaded in or on highway trailers and transported on railroad flat cars between points in trunk line and New England territories, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 13 to Southwestern Lines tariff I. C. C. 4298.

FSA No. 35067: *Substituted service, rail for motor, Chicago Great Western Ry. Co.* Filed by Middlewest Motor Freight Bureau, Agent, (No. 128), for the Chicago Great Western Railway Company, and interested motor carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and Des Moines, Iowa.

Grounds for relief: Motor truck competition.

Tariff: Supplement 86 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 35068: *Substituted service, rail for motor, Missouri-Kansas-Texas R. R. Co.* Filed by Middlewest Motor Freight Bureau, Agent, (No. 129), for the Missouri-Kansas-Texas Railroad Company and interested motor carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between (a) Kansas City, Kans., and Muskogee, Okla., and (b) St. Louis, Mo., and Muskogee or Tulsa, Okla.

Grounds for relief: Motor truck competition.

Tariff: Supplement 86 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 35069: *Substituted service, rail for motor, Chicago and North Western Ry. Co.* Filed by Middlewest Motor Freight Bureau, Agent, (No. 130), for the Chicago and North Western Railway Company and interested motor carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and St. Paul, Minn.

Grounds for relief: Motor truck competition.

Tariff: Supplement 86 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 35070: *Substituted service, rail for motor, St. Louis-San Francisco Ry. Co.* Filed by Middlewest Motor Freight Bureau, Agent, (No. 131), for the St. Louis-San Francisco Railway Company and interested motor carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between Rogers, Ark., on the one hand, and Kansas City, St. Louis, or Springfield, Mo., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 86 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 35071: *Trailer-on-flat-car service between Nebraska and southwest.* Filed by Southwestern Freight Bureau, Agent, (No. B-7408), for interested carriers. Rates on various commodities loaded in or on highway trailers and transported on railroad flat cars between points in Nebraska and points in southwestern territory.

Grounds for relief—Motor truck competition.

Tariff—Supplement 86 to Southwestern Lines tariff I. C. C. 4254.

FSA No. 35072: *Caustic potash from Charleston, W. Va., to La Salle, Ill.* Filed by O. E. Schultz, Agent (ER No. 2469), for interested rail carriers. Rates on liquid caustic potash, tank-car loads from Charleston, Dock, Elk, Owens, South Charleston, and South Ruffner, W. Va.

Grounds for relief: Barge competition.

FSA No. 35073: *Coal to South Dayton and O. H. Hutchings Station, Ohio.* Filed by O. W. South, Jr., Agent (SFA No. A3745), for interested rail carriers. Rates on coal, carloads from mines on the Louisville and Nashville and the Interstate Railroads in the Inner and Outer Crescent districts to South Dayton and O. H. Hutchings Station, Ohio.

Grounds for relief: Truck-barge-rail competition.

Tariff: Supplement 85 to Southern Freight Association tariff I. C. C. 1174.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-9271; Filed, Nov. 6, 1958;
8:46 a. m.]

[Notice 45]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 4, 1958.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61555. By order of October 29, 1958, the Transfer Board approved the transfer to Francis S. Hunnewell doing business as Hunnewell Motor Lines, East Bridgewater, Mass., of Permit No. MC 85026 issued November 23, 1956, to Manuel S. Bettencourt, Jr., Taunton, Mass., authorizing the transportation over irregular routes, of brick, from Taunton, Mass., to points in Rhode Island, with no transportation for com-

pensation on return except as otherwise authorized. Joseph A. Kline, 185 Devonshire St., Boston 10, Mass., for transferee and Benjamin A. Friedman, 30 Main Street, Taunton, Mass., for transferor.

No. MC-FC 61557. By order of October 30, 1958, The Transfer Board approved the transfer to Billy Adam Howard, doing business as Adams Trucking Co., St. Clair, Missouri, of a certificate in No. MC 82266 issued June 14, 1955, to Ralph R. Howard, doing business as Main Line Hauling Company, St. Clair, Missouri, authorizing the transportation of general commodities, excluding household goods, as defined by the Commission, and other specified commodities, over regular routes, between Rolla, Mo., and St. Louis, Mo., serving all intermediate points, without restriction; and the off-route points of East St. Louis and National Stock Yards, Ill., restricted to pick-up of packing house products only; and between St. Clair, Mo., and St. Louis, Mo., serving no intermediate points, and feed, fertilizer, lumber, carbide, roofing, agricultural implements, and storage batteries, over irregular routes, from East St. Louis, Ill., to St. Clair, Mo., and points within 15 miles of St. Clair, and livestock, over irregular routes, between St. Clair, Mo., and points within 15 miles of St. Clair, on the one hand, and, on the other, National Stock Yards, Ill. A. A. Marshall, 305 Buder Building, St. Louis 1, Missouri, for applicants.

No. MC-FC 61621. By order of October 29, 1958, The Transfer Board approved the transfer to Rittenhouse Motor Freight, Inc., Norristown, Pa., of certificate No. MC 2681 issued July 18, 1950, to Roy Rittenhouse and Harold Rittenhouse, a partnership, doing business as Roy Rittenhouse, Norristown, Pa., authorizing the transportation over regular routes, of general commodities, excluding household goods and other specified commodities, between Norristown, Pa., and Washington, D. C., and Camden, N. J.; over irregular routes, of tanks, and parts thereof, pumps, range boilers, hot water heaters, air compressors, asbestos pipe, insulating materials, magnesite, firebricks, cement, pipe-covering materials, and related articles, from Philadelphia and Norristown, Pa., and points within 15 miles of Norristown, to New York, N. Y., and points in New York within 50 miles of New York, N. Y., and those in New Jersey, Virginia, Delaware, Maryland, and the District of Columbia; and general commodities, excluding household goods and other specified commodities, between Philadelphia, Norristown, Collegeville, Graterford, Schwenksville, Boyertown, Pottstown, Royersford, Spring City, and Phoenixville, Pa. William F. Fox, 317 Swede Street, Norristown, Pa., for applicants.

No. MC-FC 61632. By order of October 29, 1958, The Transfer Board approved the transfer to Jones Moving and Storage Co., Inc., York, Pennsylvania, of a certificate in No. MC 370, issued September 20, 1957, to Earl Jones, York, Pennsylvania, authorizing the transportation of household goods, over irregular routes, as defined by the Commission, between points in York County, Pa., on

the one hand, and, on the other, points in Connecticut, Maryland, New Jersey, New York, Delaware, Virginia, and West Virginia, Ohio, and the District of Columbia. Mr. Norman T. Petow, 43 N. Duke St., York, Pa., for applicants.

No. MC-FC 61645. By order of October 29, 1958, The Transfer Board approved the transfer to Bryant Motor Lines, Inc., Suffolk, Virginia, of certificates in Nos. MC 51012 Sub 8, and MC 51012 Sub 12, issued September 23, 1949, and July 2, 1954, respectively, in the name of Jimmie Thomas Bryant, doing business as J. T. Bryant, Petersburg, Virginia, authorizing the transportation of nuts, candy, peanut products, canned goods, malt beverages, and cream-filled cookies, from and to specified points in Virginia, Illinois, Ohio, Michigan, Indiana and Wisconsin. Paul A. Sherier, 613 Warner Building, Thirteenth and E Streets NW., Washington, D. C., for applicants.

No. MC-FC 61651. By order of October 30, 1958, The Transfer Board approved the transfer to Dennis Carruthers, doing business as Truck Equipment and Supply, Torrington, Wyoming, of permits in Nos. MC 100684, and MC 100684 Sub 2, issued January 8, 1954, and October 4, 1954, respectively, authorizing the transportation of cement, plaster, building materials, and fence posts, over irregular routes, from, to, and between, specified points in Colorado, Wyoming, Nebraska, and South Dakota. Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyoming, for applicants.

[SEAL]

HAROLD D. MCCOY,

Secretary.

[F. R. Doc. 58-9274; Filed, Nov. 6, 1958; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of fac-

tory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anderson Bros. Consolidated Co's., Inc., Floyd and High Streets, Danville, Va.; effective 10-31-58 to 10-30-59 (men's and women's work clothing; work caps).

Baumel Dress Co., Grant Street and Willow Avenue, Olyphant, Pa.; effective 10-29-58 to 10-22-59 (ladies' and children's dresses).

Bellcraft Manufacturing Co., Mt. Olivet Road, Hartwell, Ga.; effective 10-31-58 to 10-30-59 (juniors', boys', and men's sport shirts).

Michael Berkowitz Co., Inc., Barton Mill Road, Uniontown, Pa.; effective 10-28-58 to 10-27-59 (ladies' and children's pajamas).

Blue Buckle Overall Co., Marshall, Texas; effective 11-1-58 to 10-31-59 (blue denim jeans).

Blue Ridge Shirt Manufacturing Co., Elk Avenue, Fayetteville, Tenn.; effective 10-23-58 to 10-24-59 (men's and boys' sport shirts).

J. H. Bonck Co., Inc., 1100 South Jefferson Davis Parkway, New Orleans, La.; effective 10-26-58 to 10-25-59 (men's and boys' sport shirts).

Boonville Manufacturing Corp., 302-316 North Second Street, Boonville, Ind.; effective 11-1-58 to 10-31-59; workers engaged in the manufacture of men's pajamas (men's woven pajamas).

Carthage Shirt Corp., Carthage, Tenn.; effective 11-1-58 to 10-31-59 (men's and boys' dress and sport shirts).

Cleardon Manufacturing Co., Inc., 216 West Fourth Street, Clearfield, Pa.; effective 11-1-58 to 10-31-59 (men's and boys' outerwear jackets).

Cleardon Manufacturing Co., Curwensville, Pa.; effective 11-1-58 to 10-31-59 (men's and boys' sport shirts).

Cowden Manufacturing Co., 124 Apperson Heights, Mt. Sterling, Ky.; effective 10-23-58 to 10-22-59 (men's denim work suits, shop coats, dungarees).

Dixie Manufacturing Co., Plant No. 1, South Main Street, Columbia, Tenn.; effective 11-1-58 to 10-31-59 (ladies' slacks, shorts, pedal pushers—capri; girls' shorts).

Harriet Shirt Corp., Exmore, Va.; effective 11-1-58 to 10-31-59 (boys' shirts).

Hicks-Hayward Co., Del Rio, Tex.; effective 10-21-58 to 10-20-59 (work clothing and wash slacks).

The R & R Manufacturing Co., Inc., Auburn, Ga.; effective 11-1-58 to 10-31-59 (men's and boys' dress slacks).

Shamokin Dress Co., 1012 Shamokin Street, Shamokin, Pa.; effective 10-29-58 to 10-28-59 (women's and girls' dresses).

Sunnyvale of Pennsylvania, Inc., 3 South Webster Avenue, Scranton, Pa.; effective 10-22-58 to 10-21-59 (women's dresses).

Triple A. Trouser Manufacturing Co., Inc., 1429-31 Capouse Avenue, Scranton, Pa.; effective 11-1-58 to 10-31-59 (boys' trousers).

Vanderbilt Shirt Co., Inc., 29-31 Walnut Street, Asheville, N. C.; effective 10-26-58 to 10-25-59 (men's western and sport shirts; ladies' and boys' shirts).

Whiteville Manufacturing Co., Inc., Wilmington Road, Whiteville, N. C.; effective 10-24-58 to 10-23-59 (children's cotton pants, jackets, shirts, jeans).

The following certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

B & F Manufacturing Co., Inc., South Main Street, Mocksville, N. C.; effective 10-31-58 to 10-30-59; 10 learners (men's and boys' sport shirts).

Checotah Manufacturing Co., P. O. Box 68, Checotah, Okla.; effective 10-22-58 to 10-21-59; 10 learners (children's washable woven fabric shorts, and peddlepushers; ladies' peddlepushers).

Hane Manufacturing Co., Shamokin, Pa.; effective 10-27-58 to 10-26-59; 10 learners (men's and boys' dress and sport shirts).

Henson, Inc., Lawrenceville, Ga.; effective 10-17-58 to 10-16-59; 10 learners (corrected certificate) (semi-dress slacks).

Sustan Garments, Inc., Winsboro, La.; effective 11-1-58 to 10-31-59; 10 learners (sportswear and other odd outerwear).

The following certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Nelly Don, Inc., Nevada, Mo.; effective 10-25-58 to 4-24-59; 40 learners (women's dresses).

Sustan Garments, Inc., Winsboro, La.; effective 10-21-58 to 4-20-59; 25 learners (sportswear and other odd outerwear).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Baker-Cammack Hosiery Mills, Inc., Burlington, N. C.; effective 10-21-58 to 10-20-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Kayser-Roth Hosiery Co., Hugh Grey Div., Concord, N. C.; effective 10-31-58 to 10-30-59; 8 percent of the total number of factory production workers for normal labor turnover purposes (ladies' full-fashioned and seamless hosiery).

Lynne Hosiery Mills, Inc., N. South Street, Mount Airy, N. C.; effective 10-21-58 to 10-20-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' anklets).

Mars Hosiery Co., Inc., Johnston School Road, Asheville, N. C.; effective 10-23-58 to 4-22-59; 10 learners for plant expansion purposes (women's leotards and over the knees).

Ragan Knitting Co., Inc., 7 Cox Avenue, Thomasville, N. C.; effective 10-27-58 to 10-26-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Roans Hosiery, Inc., Harriman, Tenn.; effective 10-31-58 to 10-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Boonville Manufacturing Corp., 302-316 North Second Street, Boonville, Ind.; effective 11-1-58 to 10-31-59; 5 percent of the total number of factory production workers for normal labor turnover purposes engaged in the manufacture of men's woven underwear (men's woven underwear).

The William Carter Co., 400 East Main Street, Senatobia, Miss.; effective 10-22-58 to 10-21-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's and children's underwear).

Haleyville Textile Mills, Inc., Haleyville, Ala.; effective 10-31-58 to 10-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (undergarments, sleepwear).

Taylor Manufacturing Co., Division of Union Underwear Co., Inc., Greensburg Road, Campbellsville, Ky.; effective 10-31-58 to 10-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted underwear).

Van Raalte Co., Inc., Middlebury, Vt.; effective 10-31-58 to 10-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's wrap knit underwear and nightwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Hardwick Clothes, Cleveland, Tenn.; effective 10-24-58 to 4-23-59; 40 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's and boys' tailored garments).

The following certificates were issued in Puerto Rico to the companies herein-after named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of proportion of learners authorized to be employed are as indicated.

Bakan Plastics P. R., Inc., Hato Rey Industrial Subdivision, Lot 1, Roosevelt Station, P. R.; effective 9-15-58 to 3-2-59; 25 learners for plant expansion purposes in the occupation of assembly work for a learning period of 160 hours at the rate of 75 cents an hour (replacement certificate) (plastic sprayers).

Barry Corp., 2328 Borinquen Avenue, San-turce, P. R.; effective 9-24-58 to 3-23-59; 30 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 55 cents an hour for the first 240 hours and 64 cents an hour for the remaining 240 hours (fabric gloves) (replacement certificate).

Edro Corp., Anasco, P. R.; effective 10-9-58 to 10-8-59; 12 learners for normal labor turnover purposes in the occupations of, sewing machine operators, and laying-off, each for a learning period of 480 hours at the rates of 55 cents an hour for the first 240 hours and 64 cents an hour for the remaining 240 hours (fabric gloves).

El Dorado Import & Export, Inc., Caguas, P. R.; effective 9-14-58 to 12-8-58; 25 learners for plant expansion purposes in the occupation of leather pasters (millinery assembling) for a learning period of 480 hours at the rates of 58 cents an hour for the first 240 hours and 68 cents an hour for the remaining 240 hours (replacement certificate) (women's millinery).

El Dorado Import & Export, Inc., Caguas, P. R.; effective 9-14-58 to 5-14-59; 10 learners for normal labor turnover purposes in the occupations of millinery assembling, sewing machine operators, finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 58 cents an hour for the first 240 hours and 68 cents an hour for the remaining 240 hours (replacement certificate) (women's millinery).

Electronics Corp., Pan America, San Juan, P. R.; effective 10-6-58 to 1-29-59; 75 learners for plant expansion purposes in the occupations of coil winding, assembly and soldering, inspection and testing, each for a learning period of 480 hours at the rates of 70 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours (replacement certificate) (electronic control apparatus).

Glamourette Fashion Mills, Inc., Quebradillas, P. R.; effective 9-14-58 to 3-9-59; 13 learners for normal labor turnover purposes in the occupations of: (1) knitting, topping, and looping, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) machine stitching,

pressing, hand sewing, finishers doing work involving hand sewing, each for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours; (3) winders, for a learning period of 240 hours at the rate of 72 cents an hour (replacement certificate) (full-fashioned sweaters).

Glamourette Fashion Mills, Inc., Quebradillas, P. R.; effective 9-14-58 to 10-24-58; 40 learners for plant expansion purposes in the occupations of: (1) knitting, topping, and looping, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) machine stitching, pressing, hand sewing, finishers doing work involving hand sewing, each for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours; (3) winders, for a learning period of 240 hours at the rate of 72 cents an hour (replacement certificate) (full-fashioned sweaters).

Gordonshire Knitting Mills, Inc., Cayey, P. R.; effective 10-10-58 to 4-9-59; 10 learners for plant expansion purposes in the occupation of preboarding for a learning period of 480 hours at the rates of 50 cents an hour for the first 240 hours and 57 cents an hour for the remaining 240 hours (seamless hosiery).

Guayama Children's Wear Co., Inc., Guayama, P. R.; effective 9-12-58 to 5-21-59; 10 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 49 cents an hour for the first 240 hours and 57 cents an hour for the remaining 240 hours (replacement certificate) (children's dresses).

Miller Dress Factory of P. R., Inc., Barceloneta, P. R.; effective 9-14-58 to 11-22-58; 60 learners for plant expansion purposes in the occupations of: (1) sewing machine operators: sergers, buttonhole, blind stitch, bander, plinker and button sewers, each for a learning period of 480 hours at the rates of 58 cents an hour for the first 240 hours and 68 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garment, for a learning period of 160 hours at the rate of 58 cents an hour (replacement certificate) (ladies' dresses).

Paula Brassiere Co., Inc., State Highway No. 1, Caguas, P. R.; effective 9-18-58 to 3-17-59; 30 learners for plant expansion purposes in the occupation of power sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Puerto Rico Hosiery Mills, Inc., Arecibo, P. R.; effective 9-22-58 to 9-21-59; 12 learners for normal labor turnover purposes in the occupations of: (1) knitting, seaming, and mending, each for a learning period of 960 hours at the rates of 55 cents an hour for the first 480 hours and 61 cents an hour for the remaining 480 hours; (2) examining and inspecting, each for a learning period of 240 hours at the rate of 55 cents an hour (full-fashioned hosiery).

Sportee Corp. of America, Ponce, P. R.; 28 learners for normal labor turnover purposes—(1) effective from 9-12-58 to 12-10-58 for learners hired in the manufacture of polo shirts, creepers and cardigans in the occupations of sewing machine operators and final pressing each for a learning period of 480 hours at the rates of 49 cents an hour for the first 240 hours and 57 cents an hour for the remaining 240 hours; (2) effective from 9-14-58 to 12-10-58 for learners hired in the manufacture of misses' and teen-age shorts and blouses in the occupations of sewing machine operators, and final pressing each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240

hours and 66 cents an hour for the remaining 240 hours (replacement certificate) (polo shirts, creepers and cardigans; and misses' and teen-age shorts and blouses).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for

employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of

this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 30th day of October 1958.

MILTON BROOKE,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 58-9268; Filed, Nov. 6, 1958;
8:45 a. m.]



